

# **FINAL APPROVED**

## **BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF LEGISLATIVE/REGULATORY COMMITTEE**

**Tuesday, February 4, 2003  
6603 West Broad Street  
Richmond, Virginia 23230  
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 9:14 a.m.
- PRESIDING:** Robert "Bob" Oman, Chair
- MEMBERS PRESENT:** Paul Whitten  
Bobby Gardner, Sr.  
Jack Miller  
Joseph Jenkins, Jr,  
Rev. Alane Miles
- MEMBERS ABSENT:** None.
- STAFF PRESENT:** Robert Nebiker, Director  
Elizabeth Young, Executive Director  
Pam Horner, Administrative Staff Assistant  
Elaine Yeatts, Sr. Policy Analyst
- QUORUM:** With six members of the Committee present, a quorum was established.
- GUESTS:** Blair Nelson, IFHV  
JoAnn McElmurray, VFDA  
David Partridge, RSS, Inc.
- ORDERING OF AGENDA:** On a properly seconded motion by Mr. Whitten, the Committee moved to accept the agenda.
- PUBLIC COMMENT:** None.
- House Bill 2418 and Senate Bill 1261** Robert Nebiker, Director of DHP discussed pending legislation in the 2003 General Assembly. House Bill 2418 and Senate 1261 clarify irrevocable trusts and make it non-portable. Mr. Nebiker asked the Committee to review the legislation and provide comment.

The Committee discussed the bill and expressed concern that it is detrimental to the public and does not help the family. With a properly seconded motion by Rev. Miles, the Committee recommends the deletion of the amendment to 54.1-2822 that states, "Except as provided

in subsection B of 54.1-2822,. “ from House Bill 2418. With a properly seconded motion by Mr. Jenkins, the Committee recommends the same deletion from Senate Bill 1261.

**Proposal Identifier Number -- FDE-1:**

**LEGISLATIVE  
PROPOSALS FOR 2004:**

54.1-2810.1 – Licensure of limited use funeral establishments.

With a properly seconded motion from Rev. Miles, the Committee recommended the creation of a roundtable discussion with trade associations to discuss the proposed legislation. The Committee directed the Executive Director to research other states and draft a working document for the meeting, which will occur in April 2003.

**Proposal Identifier Number – FDE –2:**

54.1-2810 – Licensure of funeral establishments. 54.2816 – License renewal; failure to return renewal form.

The proposal removes the requirement to notify licensees Of expired licenses.

With a properly seconded motion from Mr. Jenkins, the Committee voted to recommend submission of the proposal.

**Proposal Identifier Number – FDE – 3:**

54.1-2813. License for the practice of funeral service.

The proposal removes the absolute prohibition of convicted felons from licensure by the Board. Also, it continues to grant the Board the authority on a case-by-case basis to address past felony convictions of applicants.

With a properly seconded motion from Mr. Whitten, the Committee recommended the submission of the proposal.

**Proposal Identifier Number- FDE – 4:**

54.1-2800. Definitions.

The proposal amends the definition of “At Need” to delete “or while death is imminent”.

With a properly seconded motion by Rev. Miles, the Committee recommended the submission of the proposal.

**Proposal Identifier Number – FDE 5:**

**54.1-2817. Resident Trainees.**

The legislative proposal amends the requirements to practice after completion of traineeship and prior to examination.

With a properly seconded motion by Rev. Miles, the Committee recommended the amending of the entire statute and for it to be discussed at the Roundtable Discussion on April 22, 2003.

**OTHER CONCERNS:**

With a properly seconded motion by Rev. Miles, the Committee requested a Memorandum of Understanding be drafted between the Board and the Bureau of Insurance of the State Corporation Commission. Mr. Williams led a discussion regarding the revocation of insurance licenses and the impact of such revocation to funeral service licensees who hold both licenses.

**HB 1441**

Mr. Nebiker discussed HB 1441, which will dramatically changes some of the disciplinary procedures of the agency. The House Bill was introduced by Delegate Sears of Norfolk and provides: creation of confidential consent orders, increased penalties for non-reporting of offenses by hospitals, DHP ability to issue summons for unlicensed activity, and a three year minimum period for reinstatement of license after revocation.

**REGULATORY**

The Committee briefly reviewed the proposed general regulations and discussed the amendments regarding branch establishments. The comment period ends February 28, 2003 and further discussion will occur at the quarterly meeting of the Board on March 19, 2003.

**ADJOURNMENT**

With all business concluded, the Committee adjourned at 11:43 a.m.

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**Virginia Board of Funeral Directors and Embalmers  
Legislative/Regulatory Committee Meeting  
February 4, 2003**

**4**

Robert "Bob" Oman, Chair

Elizabeth Young, Executive Director

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Date

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Date