
Call to Order – Larry T. Omps, FSL, Board President

- Welcome and Introductions
- Emergency Egress Procedures
- Mission of the Board

Approval of Minutes

- Board Meeting – April 17, 2018
- Formal Administrative Hearings – April 17, 2018
 - For informational purposes – Informal Conferences January 16, 2018, April 13, 2018, and June 13, 2018

Ordering of Agenda

Public Comment

The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Agency Report

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director, Pages 27-43**
- Discipline Report – **Lynne Helmick, Deputy Executive Director**

Board Counsel Report – Erin Barrett, Assistant Attorney General

Committee and Board Member Reports

- Board of Health Professions Report
- Ad Hoc Committee on Funeral Internships – **R. Thomas Slusser, Jr., FSL**

Legislation and Regulatory Actions – Elaine Yeatts, Sr. Policy Analyst, Pages 44-56

- Report of Regulatory Actions
- Board Action – Adoption of NOIA – Regulations for Embalming at Funeral Establishments by Mortuary Science Students

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- Board Action - Adoption of Legislative Proposal for 2019 General Assembly Session - Amendment to Virginia Code §54.1-2806
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New Business

- Health Practitioner's' Monitoring Program Presentation - **Peggy Wood, Program Manager**
-
-

Next Meeting - October 16, 2018

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3708(D).

Approval of Minutes

UNAPPROVED MINUTES
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a Board meeting on Tuesday, April 17, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia 23233.

BOARD MEMBERS PRESENT

Larry T. Omps, FSL, President
Joseph Frank Walton, FSL, Vice President
Mia F. Mimms, FSL, JD, Secretary-Treasurer
Connie B. Steele, FSL
R. Thomas Slusser, Jr., FSL
Ibrahim A. Moiz, Esq., Citizen Member
Junius H. Williams, Jr., Citizen Member

BOARD MEMBERS ABSENT

Louis R. Jones, FSL
Blair H. Nelsen, FSL

STAFF PRESENT FOR ALL OR PART OF MEETING

Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
Barbara Allison-Bryan, MD, DHP Chief Deputy
Heather Wright, Program Manager, FDE/LTCA Boards
Erin Barrett, Assistant Attorney General, Board Counsel
Elaine Yeatts, Policy Analyst

GUESTS PRESENT

Kim Small, Visual Research
Barry D. Robinson, Virginia Morticians Association
Paul Harris, Regulatory Support Services
Lacy Whittaker, Virginia Funeral Directors' Association
W. Scott Johnson, First Choice Consulting
Curtis Cunningham, Virginia Morticians Association

CALLED TO ORDER

Larry T. Omps, FSL, President, called the Board meeting to order at 10:03 a.m.

Board members and staff introduced themselves. With seven (7) Board members present, a quorum was established.

Mr. Omph provided reminders to the Board members and audience regarding microphones sign in sheets, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Williams, and properly seconded by Ms. Steele, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting- January 16, 2018
- Formal Hearing – January 16, 2018
- Ad Hoc Committee on Funeral Internships – April 13, 2018

The motion passed unanimously.

ORDERING OF AGENDA

Ms. Tillman Wolf noted two revisions for the Board's consideration: that Dr. Barbara Allison-Bryan would be present to provide the Agency Report and Lisa Hahn would not be present to provide an Administrative Report.

Upon a motion by Mr. Moiz, and properly seconded by Mr. Slusser, the Board voted to accept the agenda as revised. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Barry Robinson, VMA, questioned the appropriateness of some wording of the questions referring to "funeral service licensee" for the manager of record on the application for registration as a surface transportation and removal service. Mr. Robinson noted that the manager usually is not a licensee and this reference could create confusion. Mr. Robinson congratulated Junius Williams on his second term on the Board, which is coming to an end in June.

OLD BUSINESS

Ms. Small presented the final draft of the revised Sanctioning Reference Points (SRP) manual. She pointed out the changes to the worksheet and the addition of impairment and care and handling of bodies to Case Types. Ms. Small offered the Board training on the revised SRPs. Ms. Tillman Wolf will coordinate training for the Board during an upcoming meeting.

Upon a motion by Mr. Williams, and properly seconded by Mr. Slusser, the Board voted to adopt the revised SRP manual as Guidance Document 65-14. The motion passed unanimously.

AGENCY DIRECTOR'S REPORT- Barbara Allison-Bryan, MD, DHP Chief Deputy Director

Dr. Allison-Bryan introduced herself as the new Chief Deputy Director of the Department of Health Professions. She has previously served as a member of the Board of Medicine and of the Board of Health Professions.

Dr. Allison-Bryan reported that a significant number of bills impacted DHP during this year's General Assembly Session. DHP has been tasked by the General Assembly to research several concerns resulting

from bills introduced this past session.

- DHP has been asked to research the need for registration of Community Health Workers.
- A bill was introduced to require outpatient treatment providers to report to the Prescription Monitoring Program. Because of concerns regarding compliance with federal law, DHP has been asked to research a resolution.
- A bill was introduced to require doctors and nurses to inform patients who had total hip or knee replacements of possible cobalt poisoning. DHP has been asked to propose a plan regarding how to inform patients.
- DHP has been asked to look at how practitioners can inform consumers of service and procedure pricing.

Dr. Allison-Bryan reported that DHP Reception and Information Technology employees have moved to the first floor. Dr. Allison-Bryan reported the overall security of the building is being reviewed. She encouraged Board members to provide input regarding their concerns for the security plan.

STAFF REPORTS

Executive Director's Report - Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf reported that 100% of the branch establishments and embalmers (only 2 embalmers) licenses were renewed. 95% of all the other licenses have been renewed. Because of a change in the statute that will become effective on July 1, 2018, licensees may receive electronic renewal notices for next year's renewal cycle.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of February 28, 2018.

Cash Balance as of June 30, 2017	\$380,747
YTD FY18 Revenue	\$271,730
<u>Less YTD Direct & In-Direct Expenditures</u>	<u>\$370,024</u>
Cash Balance as of February 28, 2018	\$282,453

Ms. Tillman Wolf provided the following updates:

- The Conference Annual Meeting – February 28-March 1, 2018 in New Orleans, LA
 - Ms. Tillman Wolf provided an update of some of the regulatory issues being addressed by other member boards and organizations.
 - California is currently developing alkaline hydrolysis regulations.
 - South Carolina recently adopted regulations regarding internet advertising.
 - Montana is in the process of developing regulations for student embalming.
 - CANA recently released its Revised Model Cremation Laws, which includes additional information on addressing disclosures for free/reduced price cremations where there are body part donations.
 - Increase in National Exam Fees
 - Effective August 1, 2018, the fees for each section of the National Exam (Arts and Sciences) will increase from \$250 each section to \$285 each section.
- Board Updates
 - Ms. Tillman Wolf provided updates from the Board since the last meeting. A Board news brief was e-mailed out to licensees in March 2018. The most recent licensure renewal period ended on March 31st.
 - Ms. Tillman Wolf further reported that Lynne Helmick provided presentations on laws and regulations for the VMA, VFDA, IFHV; Blair Nelsen provided a presentation on Preneed; and Connie Steele provided a presentation on Laws and Regulations.

Ms. Tillman Wolf presented licensure statistics that included the following information:

Licensure Statistics - All Licenses

License	Q1 FY 2018	April 12, 2018	Change (+/-)
Funeral Service Licensees	1,539	1,486	(53)
Funeral Director	39	36	(3)
Embalmer Only	2	2	--
Supervisors	522	535	13
Interns	195	176	(19)
Establishments	430	427	(3)
Branch Establishments	77	78	1
Crematories	113	115	2
CE Providers	16	18	2
Courtesy Card Holders	99	88	(11)
Surface Transport & Removal Svc.	45	35	(10)
Total (*not incl. supervisors)	2,555	2,461	(94)

Ms. Tillman Wolf also reported that there have been changes to the license applications, which includes adding questions for ADA compliance and adding DHP's new logo.

Ms. Tillman Wolf provided the following statistics regarding the Virginia Performs - Customer Satisfaction Survey Results:

- Q1 18 - 100%
- Q2 18- N/A

Ms. Tillman Wolf provided reminders to Board members regarding requests for presentations and for changes in contact information.

The Board meeting dates for 2018 are:

- July 12, 2018 - 10:00 a.m.
- October 16, 2018 - 10:00 a.m.

With no further questions, Ms. Tillman Wolf concluded her report.

Discipline Report - Lynne H. Helmick, Deputy Executive Director

Lynne Helmick, Deputy Executive Director, reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- 36 Total Cases
 - 6 in APD
 - 2 in Formal
 - 2 in Informal (heard on 4/13/18)
 - 16 in Investigation
 - 10 in Probable Cause
 - 6 licensees in Compliance Monitoring

Ms. Helmick reported that the statistics for Virginia Performs and other discipline statistics were not available for the 3rd quarter at this time.

With no further questions, Ms. Helmick concluded her report.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report - Junius Williams, Jr.

Mr. Williams reported that he was unable to attend the meeting and requested the board members to review the minutes from the Board of Health Professions meeting found in the agenda packet.

Ad Hoc Committee on Funeral Internships – Tommy Slusser, FSL

Mr. Slusser reported that Ad Hoc Committee met on April 13, 2018.

The Committee made the following recommendations to the Board regarding possible regulations related to student embalmers based upon SB143, which will become effective July 1, 2018:

- The mortuary program would be responsible for qualifying/deeming qualified the supervisor, establishment, and preparation room; however, the funeral home must not be under any licensure restrictions.
- Prior to performing an embalming task, the student is to have instruction in and observation of the task.
- Only three students may work on any one cadaver and each task is to be individually observed by the supervisor.
- “Immediate supervision” is defined as the supervisor must be physically and continuously present in the preparation room and is supervising each task performed.
- The embalming report should identify the names of each student working on the body. The supervisor must sign the report.
- A training site funeral home is to add language in the embalming permission document informing the consumer that it is a training facility for mortuary education students and that students may be assisting a licensee with embalming.
- The funeral service activities in which the students engage are only those in conjunction with the student’s academic training or embalming lab course.

Mr. Slusser stated that the Committee also recommended an additional meeting be scheduled to further discuss student embalming regulations with Frank Walton, Tidewater Community College, and Janet Stephens, John Tyler Community College.

Mr. Slusser stated that the Committee also recommended proposed regulation language related to unprofessional and inappropriate conduct directed towards interns, and that the Board adopt a staff

draft of frequently asked questions (FAQs) related to funeral internships.

Ms. Yeatts added that the Board could act on the FAQs during this meeting. The regulatory process regarding student embalmers cannot start until the new statute becomes effective on July 1, 2018. Ms. Yeatts suggested the regulatory change regarding unprofessional conduct be included with the Board's periodic review of regulations.

Upon a Motion by Mr. Williams, properly seconded by Mr. Walton, the Board voted to accept the FAQ's related to funeral internships for posting on the Board's website. The motion passed unanimously.

Report from the Annual Meeting of the International Conference of Funeral Service Examining Boards – Blair Nelsen, FSL

This item was tabled due to Mr. Nelsen's absence. Ms. Tillman Wolf provided some information regarding the Annual Meeting in her Executive Director's Report.

LEGISLATIVE AND REGULATORY ACTIONS – Elaine Yeatts

Report of 2018 General Assembly

Ms. Yeatts provided a brief overview of the 2018 General Assembly bills that could affect the Board, especially SB 831. Ms. Barrett pointed out that this bill would not change anything in practice because of the federal rule that funeral establishments must accept third party caskets. Ms. Yeatts reported that the bill requiring that use of EDRS by physicians was held over for the 2019 Session.

Regulatory Actions

Ms. Yeatts reported that the NOIRA for 18VAC65-40, Oversight of the Funeral Intern Program, has gone to the Governor's Office.

Adoption of Final Regulations – Continuing Education (CE) for Attendance of Board meetings

Ms. Yeatts reported that the proposed regulatory changes to 18VAC65-20-151 – CE credit for Board Meetings - are ready for final adoption. Ms. Yeatts discussed the one public comment received. Upon a motion by Mr. Slusser, and properly seconded by Mr. Moiz, the Board voted to adopt as final the proposed changes to 18VAC65-20-151, CE for Attendance of Board meetings. The motion passed unanimously.

Adoption of Final Regulations – Permission to Embalm and Refrigeration of Human Remains

Ms. Yeatts reported that the proposed regulatory changes to 18VAC62-20-510 and 18VAC65-20-581 for clarification of Permission to Embalm and Refrigeration of Human Remains are ready for final adoption. Ms. Yeatts discussed the one public comment that was received. Upon a motion by Ms. Steele, and properly seconded by Mr. Williams, the Board voted to adopt as final the proposed changes to 18VAC62-20-510 and 18VAC65-20-581, permission to embalm and refrigeration of human remains. The motion passed unanimously.

Consideration of Revisions to and/or Re-adoption of Board Guidance Documents

Ms. Yeatts reviewed with Board members the following Guidance Documents for consideration of revisions and/or re-adoption:

- 65-1 – Time Credit for Continuing Education Courses. Upon a motion by Mr. Walton, properly seconded by Ms. Steele, the Board voted to readopt this guidance document. The motion passed unanimously.

- 65-2 – Disposition of Disciplinary Cases for Practicing on an Expired License. Upon a motion by Ms. Steele, properly seconded by Ms. Mims, the Board voted to readopt this guidance document. The motion passed unanimously.
- 65-11 – Inspection Guidance Document. Upon a motion by Mr. Williams, properly seconded by Ms. Steele, the Board voted to adopt the revisions as drafted by staff to this guidance document. The motion passed unanimously.
- 65-13 – Guidance for Conduct of an Informal Conference by an Agency Subordinate. Upon a motion by Mr. Walton, properly seconded by Ms. Steele, the Board voted to repeal this guidance document. The motion passed unanimously.
- 65-17 – Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Actions to Deficiencies Noted During Routine Inspections. Upon a motion by Mr. Williams, properly seconded by Mr. Walton, the Board voted to adopt the revisions to this guidance document as drafted by staff, which revises the title of the guidance document. The motion passed unanimously.

Process for Periodic Review of the Board’s Regulations

Ms. Yeatts explained the process of the periodic review of the regulations. She said it is about a two-year project. The Legislative/Regulatory Committee will be convened. Upon a motion by Mr. Slusser, properly seconded by Mr. Williams, the Board voted to begin the periodic review process and to notify the public accordingly. The motion passed unanimously.

Ms. Yeatts briefly discussed HB 1158, which was omitted during her presentation.

Next Meeting Date

The next meeting date is July 12, 2018.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 11:36 a.m.

Larry T. Omph, FSL, President

Corie E. Tillman Wolf, Executive Director

Date

Date

UNAPPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
MINUTES
TUESDAY APRIL 17, 2018

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 1:02 P.M.

MEMBERS PRESENT: Larry Omps, FSL, Chair
Junius Williams, Citizen Member
Ibrahim Moiz, Esq., Citizen Member
Frank Walton, FSL
Connie Steele, FSL
Mia Mimms, FSL

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie E. Tillman Wolf, Executive Director
Kathy Petersen, Discipline Operations Manager
Candace Carey, Discipline Assistant

COURT REPORTER: Lori Larsen, Crane Snead & Associates, Inc.

MATTER SCHEDULED: **Joseph Leroy Charity, Jr., FSL**
License No.: 0502770023
Case No.: 182813

PARTIES ON BEHALF OF COMMONWEALTH: Wayne Halbleib, Senior Assistant Attorney General
Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESS: Karen Schaller, Senior Inspector

ESTABLISHMENT OF A QUORUM: With five (6) members of the Board present, a quorum was established.

DISCUSSION:

Mr. Charity did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated March 16, 2018. Mr. Halbleib stated the Notice was sent by certified mail and delivered to Mr. Charity on March 18, 2018. Additionally, Mr. Halbleib called Mr. Charity twice and left messages and emailed Mr. Charity on March 20, 2018. Mr. Halbleib stated he left a voice message and sent an email again on April 4, 2018.

Mr. Omph ruled that proper notice of the hearing was provided to Mr. Charity and the Board proceeded in his absence.

The Board received evidence and sworn testimony from the witness called by the Commonwealth.

CLOSED SESSION:

Upon a motion by Frank Walton, and duly seconded by Junius Williams, the Board voted to convene a closed meeting at 1:46 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 Joseph Leroy Charity. Additionally, he moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Petersen, and Ms. Carey 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 Ibrahim Moiz, the Board voted to reconvene at 2:05 p.m.

CERTIFICATION:

Mr. Walton 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 Frank Walton and duly seconded by Junius Williams, the Board moved to assess a \$1000 monetary penalty and suspend Mr. Charity's right to renew his license until he provides written verification satisfactory to the Board that he has corrected the deficiencies noted in Findings of Fact 4 (a) through (f),

VOTE:

The vote was unanimous

ADJOURNMENT:

The Board adjourned at 2:07 p.m.

The decisions shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Larry Omps, FSL, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date

UNAPPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS &
EMBALMERS FORMAL ADMINISTRATIVE
HEARING
MINUTES
TUESDAY APRIL 17, 2018

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 2:08 P.M.

MEMBERS PRESENT: Larry Omps, FSL, Chair
Junius Williams, Citizen Member
Ibrahim Moiz, Esq., Citizen Member
Frank Walton, FSL
Connie Steele, FSL
Mia Mimms, FSL

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie E. Tillman Wolf, Executive
Director Kathy Petersen, Discipline
Operations Manager
Candace Carey, Discipline Assistant

COURT REPORTER: Lori Larsen, Crane Sned & Associates, Inc.

PARTIES ON BEHALF OF COMMONWEALTH: Wayne Halbleib, Senior Assistant Attorney General
Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESS: Karen Schaller, Senior Inspector

ESTABLISHMENT OF A QUORUM: With six (6) members of the Board present, a quorum was established.

MATTER SCHEDULED: **J. Leroy Charity Funeral Home, Inc.**
License No.: 0501000059
Case No.: 182812

DISCUSSION:

Neither Joseph Charity, owner and manager of record of the funeral home, nor anyone else appeared to represent J. Leroy Charity Funeral Home, Inc., before the Board in accordance with the Board's Notice of Formal Hearing dated March 16, 2018. Mr. Halbleib stated the Notice was sent by certified mail and delivered to the funeral home on March 18, 2018.

Mr. Omps ruled that proper notice of the hearing was provided to the funeral home and the Board proceeded.

In a preliminary matter, two corrections to the Notice of Formal Hearing, under Statement of Allegation 1 (a) were presented: the word "permit" should be "license" and "Charity" should be added to the name of the funeral home.

CLOSED SESSION:

Upon a motion by Frank Walton, and duly seconded by Junius Williams, the Board voted to convene a closed meeting at 2:41 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 J. Leroy Charity Funeral Home, Inc. Additionally, he moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Petersen, and Ms. Carey 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 Mr. Walton the Board voted to reconvene at 3:01 p.m.

CERTIFICATION:

Mr. Walton 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 Frank Walton and duly seconded by Junius Williams, the Board moved to assess a \$500 monetary penalty, order an unannounced inspection of the funeral home, and indefinitely suspend J. Leroy Charity Funeral Home, Inc.'s right to renew its license until written verification satisfactory to the Board that the corrections to the deficiencies noted in Findings of Fact 4 (a) through (f) have been completed.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 3:03.

The decisions shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Larry Omph, FSL, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

January 16, 2018

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

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 2:10 p.m.
- MEMBERS PRESENT:** Blair Nelsen, FSL, Chair
Tommy Slusser, FSL
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Emily Tatum, Adjudication Specialist
- MATTER:** **Joseph Leroy Charity, FSL**
License # 0502-770023
Case # 182813
- DISCUSSION:** Mr. Charity did not appear before the Committee. By letter dated December 13, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Mr. Charity notifying him that an informal conference would be held on January 16, 2018. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the tracking information available on the website for the United States Postal Service, the Notice sent by certified mail was delivered on December 15, 2017. The Notice sent by first class mail was not returned to the Board.
- The Committee fully discussed the allegations as referenced in the December 13, 2017, Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Ms. Slusser, and duly seconded by Mr. Nelsen, the Committee voted to convene a closed meeting 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 Joseph Leroy Charity, FSL. Additionally, he moved that Ms. Helmick attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 2:18 p.m.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 2:25 p.m.

DECISION:

Upon a motion by Mr. Slusser and duly seconded by Mr. Nelsen, the Committee referred the case for a formal hearing. Motion carried.

ADJOURNMENT:

The Committee adjourned at 2:25 p.m.

Blair Nelsen, FSL, Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date

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**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

January 16, 2018

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

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 2:26 p.m.

MEMBERS PRESENT: Blair Nelsen, FSL, Chair
Tommy Slusser, FSL

DHP STAFF PRESENT: Lynne Helmick, Deputy Executive Director
Emily Tatum, Adjudication Specialist

MATTER: **J. Leroy Charity Funeral Home**
License # 0501-000059
Case # 182812

DISCUSSION: No one appeared before the Committee to represent J. Leroy Charity Funeral Home. By letter dated December 13, 2017, the Board sent a Notice of Informal Conference (“Notice”) to J. Leroy Charity Funeral Home notifying it that an informal conference would be held on January 16, 2018. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the tracking information available on the website for the United States Postal Service, the Notice sent by certified mail was delivered on December 15, 2017. The Notice sent by first class mail was not returned to the Board.

The Committee fully discussed the allegations as referenced in the December 13, 2017, Notice of Informal Conference.

CLOSED SESSION: Upon a motion by Ms. Slusser, and duly seconded by Mr. Nelsen, the Committee voted to convene a closed meeting 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 J. Leroy Charity Funeral Home. Additionally, he moved that Ms. Helmick attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 2:30 p.m.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 2:37 p.m.

DECISION:

Upon a motion by Mr. Slusser and duly seconded by Mr. Nelsen, the Committee referred the case for a formal hearing. Motion carried.

ADJOURNMENT:

The Committee adjourned at 2:39 p.m.

Blair Nelsen, FSL, Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date

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**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

January 16, 2018

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

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 3:01 p.m.
- MEMBERS PRESENT:** Blair Nelsen, FSL, Chair
Tommy Slusser, FSL
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Emily Tatum, Adjudication Specialist
- OTHERS PRESENT:** B. Spangler
- MATTER:** **Spangler Transport Specialty Service**
License # 0509-000009
Case # 174577
- DISCUSSION:** Barbara Spangler owner and manager of Spangler Transport Specialty Service appeared before the Committee in accordance with the Notice of the Board dated December 13, 2017. Spangler Transport Specialty Service was not represented by council.
- The Committee fully discussed the allegations as referenced in the December 13, 2017 Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Mr. Slusser, and duly seconded by Mr. Nelsen, the Committee voted to convene a closed meeting 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 Spangler Transport Specialty Service. Additionally, he moved that Ms. Helmick attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 3:11 p.m.
- RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 3:30 p.m.

DECISION:

Upon a motion by Mr. Slusser and duly seconded by Mr. Nelsen, the Committee moved to Order Spangler Transport Specialty Service a reprimand and \$250 monetary penalty.

ADJOURNMENT:

The Committee adjourned at 3:35 p.m.

Blair Nelsen, FSL, Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date

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**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

April 13, 2018

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

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 1:12 p.m.
- MEMBERS PRESENT:** Blair Nelsen, FSL, Chair
Tommy Slusser, FSL
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Jessica Kelly, Adjudication Specialist
Candace Carey, Discipline Assistant
- MATTER:** **Bland and Tucker Funeral Homes**
License #: 0501-000025
Case #: 172659, 181648
- DISCUSSION:** No one appeared before the Committee in accordance with the Boards' Notice of Informal Conference dated January 22, 2018.
- The Committee fully discussed the allegations as referenced in the January 22, 2018 Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Mr. Slusser, and duly seconded by Mr. Nelsen, the Committee voted to convene a closed meeting 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 Bland and Tucker Funeral Homes. Additionally, he moved that Ms. Helmick and Ms. Carey attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 1:17 p.m.
- RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 1:31 p.m.
- DECISION:** Upon a motion by Mr. Slusser and duly seconded by Mr. Nelsen, the Committee issued a Reprimand to Bland and Tucker Funeral Homes; ordered the funeral home to submit, within 30 days, a \$500 monetary penalty and proof correction of the deficiencies

noted in Findings of Fact 3 (c), 3 (d), and 3 (f); and ordered and an inspection of the funeral home.

ADJOURNMENT:

The Committee adjourned at 1:40 p.m.

Blair Nelsen, FSL, Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE
MINUTES**

June 13, 2018

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

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 1:06 p.m.
- MEMBERS PRESENT:** Louis Jones, FSL, Chair
Tommy Slusser, FSL
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Candice Carey, Discipline Assistant
Jessica Kelly, Adjudication Specialist
- OTHERS PRESENT:** Georgina Bolden
Annie Artis
- MATTER:** **Jeffrey L. Dodson, FSL**
License # 0502-860053
Case # 182872
- DISCUSSION:** Mr. Dodson appeared before the Committee in accordance with the Notice of Informal Conference, dated April 25, 2018. Mr. Dodson was present and was represented by Charles Cuthbert, Attorney at Law.
- The Committee fully discussed the allegations as referenced in the April 25, 2018, Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Mr. Slusser, and duly seconded by Mr. Jones, the Committee voted to convene a closed meeting 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 Jeffrey L. Dodson, FSL. Additionally, he moved that Ms. Helmick and Ms. Carey attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 2:00 p.m.
- RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 2:35 p.m.

DECISION:

Upon a motion by Mr. Slusser and duly seconded by Mr. Jones, the Committee issued a reprimand to Mr. Dodson and ordered that he take one hour of continuing education in Virginia laws and regulations within 90 of the entry of the Order.

The motion carried.

ADJOURNMENT:

The Committee adjourned at 2:40 p.m.

Louis Jones, FSL, Chair

Corie Tillman Wolf, Executive Director

Date

Date



Executive Director's Report

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 378

An Act to amend the Code of Virginia by adding a section numbered 54.1-2808.3, relating to funeral services; acceptance of third-party-provided caskets.

[S 831]

Approved March 19, 2018

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2808.3 as follows:

§ 54.1-2808.3. Acceptance of third-party-provided caskets.

When arrangements for funeral services have been made with a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 101

An Act to amend and reenact §§ 54.1-2816, 54.1-2817, 54.1-2904, and 54.1-3011 of the Code of Virginia, relating to certain health regulatory boards; license renewal; electronic notice.

[H 1071]

Approved March 2, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2816, 54.1-2817, 54.1-2904, and 54.1-3011 of the Code of Virginia are amended and reenacted as follows:

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

Prior to the expiration of a license, the Board shall provide to each person licensed to practice funeral service, embalming, or funeral directing a renewal notice ~~and application~~ to be submitted to the Board together with the prescribed fee. ~~Upon request, the~~ *The* Board shall provide renewal notices by mail *or electronically* to any licensee. The license of any person who does not submit the completed form prior to the date of expiration shall automatically expire. The Board shall immediately notify the person of the expiration and the reinstatement requirements. The Board shall reinstate an expired license upon receipt, within 30 days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the 30-day period shall be at the discretion of the Board.

§ 54.1-2817. Funeral service interns.

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail *or send electronically* at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the Board may deny an additional internship. A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required

by the Board. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.

§ 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.

A. Every license granted under the provisions of this chapter shall be renewed biennially as prescribed by the Board. The Board shall send *by mail or electronically* notice for renewal of a license to every licensee. Failure to receive such notice shall not excuse any licensee from the requirements of renewal. The person receiving such notice shall furnish the information requested and submit the prescribed renewal fee to the Board. Copies of licenses may be obtained as provided in the Board's regulations.

B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent manner and upon payment of the prescribed fee.

C. Any person practicing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of this chapter.

§ 54.1-3011. Renewal of licenses; lapsed licenses; reinstatement; penalties.

A. Every license issued under the provisions of this chapter shall be renewed biennially by such time as the Board may prescribe by regulation. The Board shall mail ~~an application~~ *or send electronically a notice* for renewal to every licensee, but the failure to receive such ~~application~~ *notice* shall not excuse any licensee from the requirements for renewal. The person receiving such ~~application~~ *notice* shall furnish the requested information and return the form to the Board with the renewal fee.

B. Any licensee who allows his license to lapse by failing to renew the license may be reinstated by the Board upon submission of satisfactory evidence that he is prepared to resume practice in a competent manner and upon payment of the fee.

C. Any person practicing nursing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 186

An Act to amend and reenact § 54.1-2805 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3, relating to mortuary science education; practical experience requirement.

[S 143]

Approved March 5, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2805 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3 as follows:

§ 23.1-903.3. Mortuary science education; practical experience requirement.

Every public institution of higher education that offers a degree in mortuary science shall require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program.

§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license.

A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.

B. Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 207

An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificates; medical certification; electronic filing; hospice.

[H 1158]

Approved March 8, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records *through the Electronic Death Registration System* within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall ~~file~~ *complete* the certificate of death ~~with the registrar~~. He shall obtain ~~the~~ personal data *of the deceased necessary to complete the certificate of death*, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the ~~next of kin or the~~ best qualified person or source available and obtain the medical certification from the person responsible therefor.

If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972. *If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.*

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; ~~or~~ (vii) an individual to whom the physician has delegated authority to complete and sign the

certificate, if such individual has access to the medical history of the case and death is due to natural causes; or (viii) a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death.

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and signed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, or physician assistant who, in good faith, *files or* signs a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 208

An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificates; medical certification; electronic filing; hospice.

[S 309]

Approved March 8, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records *through the Electronic Death Registration System* within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall ~~file~~ *complete* the certificate of death ~~with the registrar~~. He shall obtain the personal data *of the deceased necessary to complete the certificate of death*, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the ~~next of kin or the~~ best qualified person or source available and obtain the medical certification from the person responsible therefor.

If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972. *If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.*

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; ~~or~~ (vii) an individual to whom the physician has delegated authority to complete and sign the

certificate, if such individual has access to the medical history of the case and death is due to natural causes; or (viii) a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death.

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and signed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, or physician assistant who, in good faith, *files or* signs a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400 Fee Revenue					
4002401	Application Fee	37,550.00	32,620.00	(4,930.00)	115.11%
4002406	License & Renewal Fee	627,310.00	621,160.00	(6,150.00)	100.99%
4002407	Dup. License Certificate Fee	275.00	360.00	85.00	76.39%
4002409	Board Endorsement - Out	1,650.00	3,850.00	2,200.00	42.86%
4002421	Monetary Penalty & Late Fees	7,125.00	4,900.00	(2,225.00)	145.41%
4002430	Board Changes Fee	5,800.00	7,695.00	1,895.00	75.37%
4002432	Misc. Fee (Bad Check Fee)	35.00	35.00	-	100.00%
	Total Fee Revenue	679,745.00	670,620.00	(9,125.00)	101.36%
4003000 Sales of Prop. & Commodities					
4003020	Misc. Sales-Dishonored Payments	600.00	-	(600.00)	0.00%
	Total Sales of Prop. & Commodities	600.00	-	(600.00)	0.00%
4009000 Other Revenue					
4009060	Miscellaneous Revenue	3,100.00	310.00	(2,790.00)	1000.00%
	Total Other Revenue	3,100.00	310.00	(2,790.00)	1000.00%
	Total Revenue	683,445.00	670,930.00	(12,515.00)	101.87%
5011110 Employer Retirement Contrib.					
5011110	Employer Retirement Contrib.	6,934.42	10,738.00	3,803.58	64.58%
5011120 Fed Old-Age Ins- Sal St Emp					
5011120	Fed Old-Age Ins- Sal St Emp	3,736.56	6,090.00	2,353.44	61.36%
5011130 Fed Old-Age Ins- Wage Earners					
5011130	Fed Old-Age Ins- Wage Earners	-	623.00	623.00	0.00%
5011140 Group Insurance					
5011140	Group Insurance	673.33	1,043.00	369.67	64.56%
5011150 Medical/Hospitalization Ins.					
5011150	Medical/Hospitalization Ins.	14,518.50	35,354.00	20,835.50	41.07%
5011160 Retiree Medical/Hospitalizatn					
5011160	Retiree Medical/Hospitalizatn	606.50	940.00	333.50	64.52%
5011170 Long term Disability Ins					
5011170	Long term Disability Ins	339.36	526.00	186.64	64.52%
	Total Employee Benefits	26,808.67	55,314.00	28,505.33	48.47%
5011200 Salaries					
5011230	Salaries, Classified	51,037.12	79,597.00	28,559.88	64.12%
5011250	Salaries, Overtime	1,259.89	-	(1,259.89)	0.00%
	Total Salaries	52,297.01	79,597.00	27,299.99	65.70%
5011300 Special Payments					
5011310	Bonuses and Incentives	225.00	450.00	225.00	50.00%
5011340	Specified Per Diem Payment	1,700.00	4,000.00	2,300.00	42.50%
5011380	Deferred Compnstn Match Pmts	267.50	816.00	548.50	32.78%
	Total Special Payments	2,192.50	5,266.00	3,073.50	41.64%
5011400 Wages					
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	-	8,133.00	8,133.00	0.00%
5011530 Short-trm Disability Benefits					
5011530	Short-trm Disability Benefits	1,895.83	-	(1,895.83)	0.00%
	Total Disability Benefits	1,895.83	-	(1,895.83)	0.00%
5011600 Terminatn Personal Svce Costs					
5011620	Salaries, Annual Leave Balanc	165.72	-	(165.72)	0.00%
	Total Terminatn Personal Svce Costs	165.72	-	(165.72)	0.00%
5011930	Turnover/Vacancy Benefits	-	-	-	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount			
		Amount	Budget	Under/(Over) Budget	% of Budget
	Total Personal Services	83,359.73	148,310.00	64,950.27	56.21%
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	69.14	200.00	130.86	34.57%
5012140	Postal Services	2,276.08	3,500.00	1,223.92	65.03%
5012150	Printing Services	201.43	1,500.00	1,298.57	13.43%
5012160	Telecommunications Svcs (VITA)	240.82	300.00	59.18	80.27%
5012170	Telecomm. Svcs (Non-State)	165.48	-	(165.48)	0.00%
5012190	Inbound Freight Services	1.42	-	(1.42)	0.00%
	Total Communication Services	2,954.37	5,500.00	2,545.63	53.72%
5012200	Employee Development Services				
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	325.00	6,045.00	5,720.00	5.38%
5012250	Employee Tuition Reimbursement	-	1,000.00	1,000.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	800.00	800.00	0.00%
	Total Employee Development Services	575.00	9,645.00	9,070.00	5.96%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	10,509.94	9,520.00	(989.94)	110.40%
5012440	Management Services	107.69	120.00	12.31	89.74%
5012470	Legal Services	390.00	150.00	(240.00)	260.00%
	Total Mgmnt and Informational Svcs	11,007.63	9,790.00	(1,217.63)	112.44%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	586.60	40.00	(546.60)	1466.50%
	Total Repair and Maintenance Svcs	586.60	40.00	(546.60)	1466.50%
5012600	Support Services				
5012640	Food & Dietary Services	265.17	2,100.00	1,834.83	12.63%
5012650	Laundry and Linen Services	29.37	-	(29.37)	0.00%
5012660	Manual Labor Services	151.80	1,200.00	1,048.20	12.65%
5012670	Production Services	830.40	1,120.00	289.60	74.14%
5012680	Skilled Services	1,806.91	910.00	(896.91)	198.56%
	Total Support Services	3,083.65	5,330.00	2,246.35	57.85%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	5,206.47	5,100.00	(106.47)	102.09%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	633.75	1,600.00	966.25	39.61%
5012880	Trvl, Meal Reimb- Not Rprtbl	355.50	750.00	394.50	47.40%
	Total Transportation Services	6,195.72	8,150.00	1,954.28	76.02%
	Total Contractual Svcs	24,402.97	38,455.00	14,052.03	63.46%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	717.46	1,500.00	782.54	47.83%
5013130	Stationery and Forms	-	675.00	675.00	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount Under/(Over)			
		Amount	Budget	Budget	% of Budget
	Total Administrative Supplies	717.46	2,175.00	1,457.54	32.99%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013500	Repair and Maint. Supplies				
5013520	Custodial Repair & Maint Matrl	0.38	-	(0.38)	0.00%
	Total Repair and Maint. Supplies	0.38	-	(0.38)	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	Total Residential Supplies	-	120.00	120.00	0.00%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	-	15.00	15.00	0.00%
	Total Supplies And Materials	717.84	2,395.00	1,677.16	29.97%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	36.00	36.00	0.00%
	Total Insurance-Fixed Assets	-	36.00	36.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	6.72	-	(6.72)	0.00%
5015350	Building Rentals	15.23	-	(15.23)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	6,374.97	10,040.00	3,665.03	63.50%
	Total Operating Lease Payments	6,396.92	10,055.00	3,658.08	63.62%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	Total Insurance-Operations	-	143.00	143.00	0.00%
	Total Continuous Charges	6,396.92	10,234.00	3,837.08	62.51%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	183.51	-	(183.51)	0.00%
5022180	Computer Software Purchases	193.52	-	(193.52)	0.00%
	Total Computer Hrdware & Sftware	377.03	-	(377.03)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	16.00	-	(16.00)	0.00%
	Total Educational & Cultural Equip	16.00	-	(16.00)	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
5022620	Office Furniture	107.25	-	(107.25)	0.00%
	Total Office Equipment	107.25	132.00	24.75	81.25%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending April 30, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
5022700	Specific Use Equipment				
5022710	Household Equipment	10.68	-	(10.68)	0.00%
	Total Specific Use Equipment	10.68	-	(10.68)	0.00%
	Total Equipment	510.96	132.00	(378.96)	387.09%
	Total Expenditures	115,388.42	199,526.00	84,137.58	57.83%
Allocated Expenditures					
20600	Funeral\LTCA\IPT	90,659.12	105,923.30	15,264.18	85.59%
30100	Data Center	66,548.68	105,124.67	38,575.99	63.30%
30200	Human Resources	6,747.59	18,318.17	11,570.57	36.84%
30300	Finance	19,507.89	26,380.19	6,872.30	73.95%
30400	Director's Office	10,776.19	13,953.47	3,177.28	77.23%
30500	Enforcement	123,388.90	159,053.53	35,664.63	77.58%
30600	Administrative Proceedings	22,003.39	28,206.61	6,203.22	78.01%
30700	Impaired Practitioners	165.95	-	(165.95)	0.00%
30800	Attorney General	12,542.53	12,543.09	0.56	100.00%
30900	Board of Health Professions	5,585.52	7,926.63	2,341.11	70.47%
31100	Maintenance and Repairs	-	474.46	474.46	0.00%
31300	Emp. Recognition Program	113.29	294.54	181.25	38.46%
31400	Conference Center	6,514.60	6,615.57	100.97	98.47%
31500	Pgm Devlpmnt & Implmentn	5,739.98	7,856.53	2,116.55	73.06%
	Total Allocated Expenditures	370,293.64	492,670.76	122,377.11	75.16%
	Net Revenue in Excess (Shortfall) of Expenditures	\$ 197,762.94	\$ (21,266.76)	\$ (219,029.69)	929.92%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending May 31, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
4002400 Fee Revenue					
4002401	Application Fee	40,870.00	32,620.00	(8,250.00)	125.29%
4002406	License & Renewal Fee	632,335.00	621,160.00	(11,175.00)	101.80%
4002407	Dup. License Certificate Fee	325.00	360.00	35.00	90.28%
4002409	Board Endorsement - Out	2,070.00	3,850.00	1,780.00	53.77%
4002421	Monetary Penalty & Late Fees	8,220.00	4,900.00	(3,320.00)	167.76%
4002430	Board Changes Fee	7,000.00	7,695.00	695.00	90.97%
4002432	Misc. Fee (Bad Check Fee)	70.00	35.00	(35.00)	200.00%
	Total Fee Revenue	<u>690,890.00</u>	<u>670,620.00</u>	<u>(20,270.00)</u>	<u>103.02%</u>
4003000 Sales of Prop. & Commodities					
4003020	Misc. Sales-Dishonored Payments	1,225.00	-	(1,225.00)	0.00%
	Total Sales of Prop. & Commodities	<u>1,225.00</u>	<u>-</u>	<u>(1,225.00)</u>	<u>0.00%</u>
4009000 Other Revenue					
4009060	Miscellaneous Revenue	3,100.00	310.00	(2,790.00)	1000.00%
	Total Other Revenue	<u>3,100.00</u>	<u>310.00</u>	<u>(2,790.00)</u>	<u>1000.00%</u>
	Total Revenue	<u>695,215.00</u>	<u>670,930.00</u>	<u>(24,285.00)</u>	<u>103.62%</u>
5011110 Employer Retirement Contrib.					
5011110	Employer Retirement Contrib.	7,818.04	10,738.00	2,919.96	72.81%
5011120 Fed Old-Age Ins- Sal St Emp					
5011120	Fed Old-Age Ins- Sal St Emp	4,201.60	6,090.00	1,888.40	68.99%
5011130 Fed Old-Age Ins- Wage Earners					
5011130	Fed Old-Age Ins- Wage Earners	-	623.00	623.00	0.00%
5011140 Group Insurance					
5011140	Group Insurance	759.13	1,043.00	283.87	72.78%
5011150 Medical/Hospitalization Ins.					
5011150	Medical/Hospitalization Ins.	16,098.32	35,354.00	19,255.68	45.53%
5011160 Retiree Medical/Hospitalizatn					
5011160	Retiree Medical/Hospitalizatn	683.78	940.00	256.22	72.74%
5011170 Long term Disability Ins					
5011170	Long term Disability Ins	382.62	526.00	143.38	72.74%
	Total Employee Benefits	<u>29,943.49</u>	<u>55,314.00</u>	<u>25,370.51</u>	<u>54.13%</u>
5011200 Salaries					
5011230	Salaries, Classified	57,587.22	79,597.00	22,009.78	72.35%
5011250	Salaries, Overtime	1,380.58	-	(1,380.58)	0.00%
	Total Salaries	<u>58,967.80</u>	<u>79,597.00</u>	<u>20,629.20</u>	<u>74.08%</u>
5011300 Special Payments					
5011310	Bonuses and Incentives	225.00	700.00	475.00	32.14%
5011340	Specified Per Diem Payment	1,700.00	4,000.00	2,300.00	42.50%
5011380	Deferred Compnstn Match Pmts	295.00	816.00	521.00	36.15%
	Total Special Payments	<u>2,220.00</u>	<u>5,516.00</u>	<u>3,296.00</u>	<u>40.25%</u>
5011400 Wages					
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	<u>-</u>	<u>8,133.00</u>	<u>8,133.00</u>	<u>0.00%</u>
5011530 Short-trm Disability Benefits					
5011530	Short-trm Disability Benefits	1,895.83	-	(1,895.83)	0.00%
	Total Disability Benefits	<u>1,895.83</u>	<u>-</u>	<u>(1,895.83)</u>	<u>0.00%</u>
5011600 Terminatn Personal Svce Costs					
5011620	Salaries, Annual Leave Balanc	165.72	-	(165.72)	0.00%
	Total Terminatn Personal Svce Costs	<u>165.72</u>	<u>-</u>	<u>(165.72)</u>	<u>0.00%</u>
5011930	Turnover/Vacancy Benefits	-	-	-	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending May 31, 2018

Account Number	Account Description	Amount			
		Amount	Budget	Under/(Over) Budget	% of Budget
	Total Personal Services	93,192.84	148,560.00	55,367.16	62.73%
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	69.14	200.00	130.86	34.57%
5012140	Postal Services	2,954.89	3,500.00	545.11	84.43%
5012150	Printing Services	232.83	1,500.00	1,267.17	15.52%
5012160	Telecommunications Svcs (VITA)	268.14	300.00	31.86	89.38%
5012170	Telecomm. Svcs (Non-State)	181.24	-	(181.24)	0.00%
5012190	Inbound Freight Services	2.66	-	(2.66)	0.00%
	Total Communication Services	3,708.90	5,500.00	1,791.10	67.43%
5012200	Employee Development Services				
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	325.00	6,045.00	5,720.00	5.38%
5012250	Employee Tuition Reimbursement	-	1,000.00	1,000.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	800.00	800.00	0.00%
	Total Employee Development Services	575.00	9,645.00	9,070.00	5.96%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	10,509.94	9,520.00	(989.94)	110.40%
5012440	Management Services	107.69	120.00	12.31	89.74%
5012470	Legal Services	585.00	150.00	(435.00)	390.00%
	Total Mgmnt and Informational Svcs	11,202.63	9,790.00	(1,412.63)	114.43%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Svc	586.60	40.00	(546.60)	1466.50%
	Total Repair and Maintenance Svcs	586.60	40.00	(546.60)	1466.50%
5012600	Support Services				
5012640	Food & Dietary Services	265.17	2,100.00	1,834.83	12.63%
5012650	Laundry and Linen Services	29.37	-	(29.37)	0.00%
5012660	Manual Labor Services	160.39	1,200.00	1,039.61	13.37%
5012670	Production Services	877.78	1,120.00	242.22	78.37%
5012680	Skilled Services	2,065.04	910.00	(1,155.04)	226.93%
	Total Support Services	3,397.75	5,330.00	1,932.25	63.75%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	5,206.47	5,100.00	(106.47)	102.09%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	633.75	1,600.00	966.25	39.61%
5012880	Trvl, Meal Reimb- Not Rprtble	355.50	750.00	394.50	47.40%
	Total Transportation Services	6,195.72	8,150.00	1,954.28	76.02%
	Total Contractual Svcs	25,666.60	38,455.00	12,788.40	66.74%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	875.07	1,500.00	624.93	58.34%
5013130	Stationery and Forms	31.40	675.00	643.60	4.65%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending May 31, 2018

Account Number	Account Description	Amount			
		Amount	Budget	Under/(Over) Budget	% of Budget
	Total Administrative Supplies	906.47	2,175.00	1,268.53	41.68%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013500	Repair and Maint. Supplies				
5013520	Custodial Repair & Maint Matrl	0.38	-	(0.38)	0.00%
	Total Repair and Maint. Supplies	0.38	-	(0.38)	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	3.73	90.00	86.27	4.14%
	Total Residential Supplies	3.73	120.00	116.27	3.11%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	-	15.00	15.00	0.00%
	Total Supplies And Materials	910.58	2,395.00	1,484.42	38.02%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	36.00	36.00	0.00%
	Total Insurance-Fixed Assets	-	36.00	36.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	6.72	-	(6.72)	0.00%
5015350	Building Rentals	15.23	-	(15.23)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	6,804.39	10,040.00	3,235.61	67.77%
	Total Operating Lease Payments	6,826.34	10,055.00	3,228.66	67.89%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	Total Insurance-Operations	-	143.00	143.00	0.00%
	Total Continuous Charges	6,826.34	10,234.00	3,407.66	66.70%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	183.51	-	(183.51)	0.00%
5022180	Computer Software Purchases	193.52	-	(193.52)	0.00%
	Total Computer Hrdware & Sftware	377.03	-	(377.03)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	16.00	-	(16.00)	0.00%
	Total Educational & Cultural Equip	16.00	-	(16.00)	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
5022620	Office Furniture	267.55	-	(267.55)	0.00%
	Total Office Equipment	267.55	132.00	(135.55)	202.69%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending May 31, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
5022700	Specific Use Equipment				
5022710	Household Equipment	10.68	-	(10.68)	0.00%
	Total Specific Use Equipment	10.68	-	(10.68)	0.00%
	Total Equipment	671.26	132.00	(539.26)	508.53%
	Total Expenditures	127,267.62	199,776.00	72,508.38	63.71%
	Allocated Expenditures				
20600	Funeral\LTCA\IPT	99,232.30	105,923.30	6,691.00	93.68%
30100	Data Center	73,122.72	105,124.67	32,001.95	69.56%
30200	Human Resources	6,830.35	18,318.17	11,487.82	37.29%
30300	Finance	21,744.87	26,298.27	4,553.40	82.69%
30400	Director's Office	12,038.81	13,953.47	1,914.66	86.28%
30500	Enforcement	133,674.10	159,053.53	25,379.43	84.04%
30600	Administrative Proceedings	23,844.26	28,215.57	4,371.31	84.51%
30700	Impaired Practitioners	186.87	-	(186.87)	0.00%
30800	Attorney General	12,542.53	12,543.09	0.56	100.00%
30900	Board of Health Professions	6,346.54	7,926.63	1,580.09	80.07%
31100	Maintenance and Repairs	-	474.46	474.46	0.00%
31300	Emp. Recognition Program	130.33	294.54	164.20	44.25%
31400	Conference Center	6,537.78	6,615.57	77.78	98.82%
31500	Pgm Devlpmnt & Implmentn	6,664.77	7,856.53	1,191.76	84.83%
	Total Allocated Expenditures	402,896.23	492,597.79	89,701.56	81.79%
	Net Revenue in Excess (Shortfall) of Expenditures	\$ 165,051.15	\$ (21,443.79)	\$ (186,494.94)	769.69%

Legislation and Regulatory Actions

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
As of June 27, 2018**

Chapter		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Clarification of permission to embalm and refrigeration of human remains</u> [Action 4765] Final - At Governor's Office for 49 days
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>CE credit for board meetings</u> [Action 4806] Final - At Secretary's Office for 62 days
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<u>Oversight of funeral intern program</u> [Action 4895] NOIRA - At Governor's Office for 104 days

Agenda Item: Board Action –Adoption of a Notice of Intended Regulatory Action (NOIRA)

Staff Note:

Included in your package are:

A copy of SB143 authorizing students to participate in embalming under immediate supervision in a funeral establishment

A copy of the minutes from meeting of Ad Hoc Committee on Funeral Internships

A copy of the DRAFT amendments

Action:

Motion to adopt a NOIRA to begin regulatory action to implement SB143.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 186

An Act to amend and reenact § 54.1-2805 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3, relating to mortuary science education; practical experience requirement.

[S 143]

Approved March 5, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2805 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3 as follows:

§ 23.1-903.3. Mortuary science education; practical experience requirement.

Every public institution of higher education that offers a degree in mortuary science shall require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program.

§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license.

A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.

B. Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

**APPROVED MEETING MINUTES
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
AD HOC COMMITTEE ON FUNERAL INTERNSHIPS**

The Virginia Board of Funeral Directors & Embalmers Ad Hoc Committee on Funeral Internships met on Friday, April 13, 2018 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Hearing Room #5, Henrico, Virginia.

COMMITTEE MEMBERS PRESENT:

Blair H. Nelsen, FSL, Board Member, Committee Chair
R.Thomas Slusser, Jr., FSL, Board Member
Junius H. Williams, Jr., Board Member

DHP STAFF PRESENT:

Corie E. Tillman Wolf, Executive Director
Elaine Yeatts, Senior Policy Analyst
Heather Wright, FDE Program Manager
Lynne Helmick, Deputy Executive Director

OTHERS PRESENT:

Larry Spiaggi, FSL, Virginia Funeral Directors' Association

CALL TO ORDER:

The Ad Hoc Committee on Funeral Internships meeting was called to order at 10: 05 a.m.

PUBLIC COMMENT:

There were no public comments.

DISCUSSION:

Funeral Internship Supervisor Training

Ms. Tillman Wolf provided Committee members information on intern supervisor training from Saskatchewan and Iowa. The primary questions for a supervisor training program related to who would develop and who would administer a training. The Committee discussed supervisor training as it relates to student embalmers and the possibility of some supervisor training from the community colleges with mortuary science programs. The Committee decided to table further discussion and recommend to the Board that another committee meeting be held with Frank Walton, Tidewater Community College, and Janet Stephens, John Tyler Community College, invited to attend.

Embalming by Funeral Service Students at Funeral Establishments

The Committee discussed SB 143. Ms. Yeatts advised that any regulations adopted pursuant to §54.1-2805 (B) would be in Chapter 20 of the Regulations.

The Committee discussed qualifications of the student supervisor and training site. The Committee

made the following recommendations for regulations to the Board:

- The mortuary program would be responsible for qualifying/deeming qualified the supervisor, establishment, and preparation room; however, the funeral home must not be under any licensure restrictions.
- Prior to performing an embalming task, the student is to have instruction in and observation of the task.
- Only three students may work on any one cadaver and each task is to be individually observed by the supervisor.
- “Immediate supervision” is defined as the supervisor must be physically and continuously present in the preparation room and is supervising each task performed.
- The embalming report should identify the names of each student working on the body. The supervisor must sign the report.
- A training site funeral home is to add language in the embalming permission document informing the consumer that it is a training facility for mortuary education students and that students may be assisting a licensee with embalming.
- The funeral service activities in which the students engage are only those in conjunction with the student’s academic training or embalming lab course.

Committee members also discussed a mechanism for ensuring that student supervisors keep the schools informed of any discipline or restrictions on their licenses after they are qualified by the school. One solution is that disciplinary orders, in which an FSL, FD, or Embalmer license has been placed on probation, can contain language in a term of the order about the licensee not being eligible to be a student supervisor.

Ms. Yeatts indicated that the regulatory process with the recommended language could begin in July after the new Code Section becomes effective. The Committee’s recommendation could be for the Board to adopt the proposed regulations at the July Board meeting.

Unprofessional or Inappropriate Conduct Directed Towards Interns

Ms. Tillman Wolf passed out a staff draft of wording to add to 18VAC65-20-500. The committee reviewed the draft and agreed to recommend the wording to the Board for possible regulatory action during the periodic review of the regulations.

Frequently Asked Questions

Ms. Tillman Wolf passed out a staff draft of FAQs for Internships. The Committee reviewed the draft and agreed to recommend to the Board that the FAQs be posted to the website.

Adjournment

The Committee meeting adjourned at 12:01 p.m.



Blair Nelsen, FSL, Chair

4/17/18

Date



Corie E. Tillman Wolf, Executive Director

4/17/18

Date

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Students assisting in embalming

18VAC65-20-236. Requirements for students assisting with embalming.

In accordance with § 54.1-2805 of the Code of Virginia, a student who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming in a funeral service establishment provided the following requirements are met:

1. The funeral establishment holds a current, unrestricted license issued by the Board;
2. The mortuary education program has examined the preparation room to be used, the number of embalmings performed annually at the establishment, and the qualifications of the funeral service licensees or embalmers who will be supervising students to ensure adequate opportunity and quality in the training;
3. Students shall receive instruction and shall observe embalming of a dead human body prior to assisting with an embalming in a funeral service establishment and shall assist with embalming in conjunction with an embalming laboratory course;
4. A funeral service licensee or embalmer may supervise up to three students under his immediate supervision, which shall mean the supervisor is physically and continuously present in the preparation room with the student(s) to supervise each task to be performed;
5. A funeral service establishment shall include on the form granting permission to embalm information disclosing that the establishment is a training facility for mortuary education students and that a student may be assisting the licensee with embalming; and

6. The embalming report shall include the name(s) of student(s) assisting with an embalming and shall be signed by the supervisor.

DRAFT

Agenda Item: Board Action – Adoption of a Legislative Proposal for the 2019 Session of the General Assembly

Staff Note:

An amendment to Section 54.1-2806, pertaining to causes for disciplinary action or denial of licensure, would specifically include registered interns, registered crematories, and courtesy care holders.

Action:

Motion to adopt the draft legislation for inclusion in the legislative package for the Department to submit to the Governor for the 2019 Session of the General Assembly.

DRAFT Legislation

2019 Session of the General Assembly

A BILL to amend the *Code of Virginia* by amending § 54.1-2806 of the Code of Virginia relating to refusal, suspension or other disciplinary action by the Board of Funeral Directors and Embalmers.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2806 of the *Code of Virginia* is amended and reenacted as follows:

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

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

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct that is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;
5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;

10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
11. Using profane, indecent, or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;
13. Violation of any statute, ordinance, or regulation affecting the handling, custody, care, or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of Chapter 1 (§ 54.1-100 et seq.), Chapter 24 (§ 54.1-2400 et seq.), this chapter, or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered funeral service interns;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral service interns as required by regulations of the Board;
23. Violating any statute or regulation of the Board regarding the confidentiality of information pertaining to the deceased or the family of the deceased or permitting access to the body in a manner that is contrary to the lawful instructions of the next-of-kin of the deceased;

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

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

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

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

B. For the purposes of this section, license shall include a registration or courtesy card.