

July 12, 2018

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Thursday, July 12, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT**

Blair H. Nelsen, FSL  
Junius H. Williams, Jr., Citizen Member

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Barbara Allison-Bryan, MD, DHP Chief Deputy Director  
Erin Barrett, Assistant Attorney General, Board Counsel  
David Brown, DC, DHP Director  
Sarah Georgen, Licensing and Operations Manager  
Lynne Helmick, Deputy Director  
Corie Tillman Wolf, Executive Director  
Heather Wright, Program Manager  
Elaine Yeatts, Sr. Policy Analyst

**OTHER GUESTS PRESENT**

Tyler Cox, HDJ  
Laura McHale, The Keeny Group  
Barry D. Robinson, Virginia Morticians Association  
Peggy Wood, Program Manager, Health Practitioners' Monitoring Program

**CALL TO ORDER**

Mr. Omph called the meeting to order at 10:02 a.m. and asked the Board members and staff to introduce themselves.

With 6 members present at the meeting, a quorum was established.

Mr. Omph read the mission of the Board, which is also the mission of the Department of Health Professions.

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.

### **APPROVAL OF MINUTES**

Upon a **MOTION** by Ms. Steele, and properly seconded by Ms. Mimms, the Board voted to accept the following meeting minutes:

- Board Meeting – April 17, 2018
- Formal Hearing – April 17, 2018
- Ad Hoc Committee Meeting on Internships – July 10, 2018

The motion passed unanimously.

### **ORDERING OF THE AGENDA**

Ms. Tillman Wolf requested that Dr. Allison-Bryan provide the Agency Report in Dr. Brown's absence and to allow for flexibility with the Board Counsel Report until such time that Dr. Brown could be present.

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

### **PUBLIC COMMENT**

Barry D. Robinson, Virginia Morticians Association (VMA), thanked Ms. Steele for her presentation to the association in June and thanked the Board for their support.

### **AGENCY REPORT**

Dr. Allison-Bryan stated that Dr. Brown was attending another meeting and would attend the Board's meeting later in the morning.

Dr. Allison-Bryan provided information on the medical marijuana bill through the Board of Pharmacy which would allow five pharmaceutical processors to operate in the Commonwealth and stated that 51 total applications were received as possible locations. She stated that a decision is scheduled for September regarding the applicants chosen.

Dr. Allison-Bryan spoke about the 2018 General Assembly and provided information on a bill that would allow nurse practitioners with specific training to practice autonomously.

With no further questions, Dr. Allison-Bryan concluded her report.

**STAFF REPORTS**

*Executive Director's Report*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of May 31, 2018.

Cash Balance as of June 30, 2017	\$380,747
YTD FY18 Revenue	\$695,215
Less YTD Direct & In-Direct Expenditures	\$530,164
<b>Cash Balance as of May 31, 2018</b>	<b>\$545,798</b>

Ms. Tillman Wolf provided an update regarding the 2018 Legislation and the Board, which included information related to HB 1071 regarding electronic renewal notices and SB 143 regarding student embalming at funeral establishments.

Ms. Tillman Wolf reported on the Electronic Death Registration System (EDRS) and stated that the last EDRS Stakeholders Meeting was held on April 26, 2018, with representatives from Vital Records, professional associations, Board staff, OCME, and the Medical Society of Virginia. The meeting allows multiple groups to collaborate and discuss issues related to electronic death records.

Ms. Tillman Wolf reported that Junius H. Williams, Jr. has completed his second term with the Board effective June 30<sup>th</sup>. She thanked Mr. Williams for his hard work and dedication to the Board over the years. She stated that Mr. Moiz has continued an additional year as a hold-over Board member and Mr. Slusser is currently a hold-over Board member from his first term.

Ms. Tillman Wolf reported that she and Ms. Helmick provided presentations to the Virginia Funeral Directors Association (VFDA) and Ms. Steele recently provided a presentation to VMA.

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

Licensure Statistics – All Licenses

License	April 12, 2018	July 11, 2018	Change (+/-)
Funeral Service Licensees	1,486	<b>1,519</b>	33
Funeral Director	36	<b>35</b>	(1)
Embalmer Only	2	<b>2</b>	--
Supervisors	535	<b>543</b>	8
Interns	176	<b>190</b>	14

Establishments	427	431	4
Branch Establishments	78	78	--
Crematories	115	116	1
CE Providers	18	19	1
Courtesy Card Holders	88	104	16
Surface Transport & Removal Svc.	35	40	5
<b>Total (*not incl. supervisors)</b>	2,461	2,534	73

Ms. Tillman Wolf presented the Quarterly Exam Statistics for the National Board Exam which included the following:

January 1, 2018 - March 31, 2018

ARTS	Total Tested	Pass	Fail	Pass/Fail %
First-Time	200	153	47	76.5/23.5%
Repeat	108	53	55	49/41%
Total	308	206	102	67/33%

SCIENCE	Total Tested	Pass	Fail	Pass/Fail %
First-Time	200	135	65	67.5/32.5%
Repeat	133	40	93	30/70%
Total	333	175	157	53/47%

Ms. Tillman Wolf presented the Quarterly Exam Statistics for the Virginia Exam which included the following:

January 1, 2018 - March 31, 2018

NPTE – ARTS	Total Tested	Pass	Fail	Pass/Fail %
Virginia	13	10	3	77/23%

NPTE - SCIENCE	Total Tested	Pass	Fail	Pass/Fail %
Virginia	10	6	4	60/40%

VA EXAM	Total Tested	Pass	Fail	Pass/Fail %
Virginia	16	11	5	69/31%

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

- Q1 2018 – 100%
- Q2 2018 – N/A
- Q3 2018 – N/A

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

The remaining Board meeting dates for 2018 are:

- October 16, 2018 – 10:00 a.m.

The Board meeting dates for 2019 are:

- January 24, 2019 – 10:00 a.m.
- April 16, 2019 – 10:00 a.m.
- July 11, 2019 – 10:00 a.m.
- October 10, 2019 – 10:00 a.m.

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

#### *Discipline Report*

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

As of July 5, 2018, Ms. Helmick reported the following disciplinary statistics:

- 28 total cases
  - 3 in Informal Conferences
  - 16 in Investigation
  - 8 in Probable Cause
  - 9 licensees in Compliance Monitoring

Ms. Helmick reported the following Virginia Performs statistics for Q2 2018:

- Clearance Rate – 0% Received 4 cases and closed 0 cases (Goal is 100%)
- Pending Caseload over 250 days was at 13% (2 cases) (Goal is under 20%)
- Cases closed within 250 days is 0% - 0 cases closed within 250 days (Goal is over 90%)

Ms. Helmick reported the following Total Cases Received and Closed:

- Q3 2016 – 21/18

- Q4 2016 – 12/21
- Q1 2017 – 8/10
- Q2 2017 – 12/17
- Q3 2017 – 9/15
- Q4 2017 – 22/20
- Q1 2018 – 12/14
- Q2 2018 – 8/7
- Q3 2018 – 12/18

Ms. Helmick provided the following information of All Case Information:

- Percentage of all cases closed in 250 days

	Q3 – 2017	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018
<b>FDE</b>	60%	70%	78.6%	85.7%	61.1%
<b>Agency</b>	81.7%	86.7%	82.2%	86.7%	87.6%

- Average days to close a case

	Q3 – 2017	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018
<b>FDE</b>	295	223.3	229.3	169.1	383.3
<b>Agency</b>	222.8	194.1	255.7	186.5	196.4

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

## COMMITTEE AND BOARD MEMBER REPORTS

### *Board of Health Professions Report*

Ms. Tillman Wolf stated that there was nothing to report, as Mr. Williams was not able to attend the last BHP Board meeting.

### *Ad Hoc Committee on Funeral Internships*

Mr. Slusser reported that the Ad Hoc Committee met on July 10, 2018.

Mr. Slusser stated that the Committee reviewed the proposed language for student embalmers and provided recommendations for the full Board’s consideration. Mr. Slusser provided a brief summary of the Committee’s meeting minutes to the Board members. He stated that a motion was required on the proposed language during the Legislation and Regulatory Actions portion of the agenda.

Dr. Brown arrived at 10:42 a.m.

## BOARD COUNSEL REPORT

### *Closed Meeting*

Upon a **MOTION** by Mr. Walton, and duly seconded by Mr. Jones, the Board voted to convene in a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigation and specific legal matters requiring the provision of legal advice by such counsel. Additionally, he moved that Ms. Tillman Wolf, Ms. Helmick, Ms. Georgen, Ms. Wright, Ms. Yeatts, Dr. Brown, and Dr. Allison-Bryan attend the closed meeting because their presence in the closed meeting is deemed necessary and would aid the Board in its consideration of the topic.

Mr. Moiz arrived at 10:54 a.m.

### *Reconvene*

Upon a **MOTION** by Mr. Walton, and duly seconded by Mr. Jones, it was certified that the matters discussed in the preceding closed session met the requirements of Section 2.2-3712 of the *Code of Virginia* and the Board reconvened in open session. The motion passed unanimously.

Upon a **MOTION** by Mr. Moiz, and properly seconded by Mr. Jones, the Board voted to interpret Section 54.1-2808.3 of the *Code of Virginia*, effective July 1, 2018, to mean that third-party casket sales are permitted and do not require a funeral service license. The motion passed unanimously.

## LEGISLATION AND REGULATORY ACTIONS

Ms. Yeatts provided an overview of draft regulation language and recommended changes from the Ad Hoc Committee on Internships related to SB 143, which authorized students to participate in embalming under immediate supervision in a funeral establishment.

Upon a **MOTION** by Mr. Walton, and properly seconded by Mr. Slusser, the Board voted to initiate fast-track regulatory action on the proposed addition of regulations related to student embalming.

Ms. Yeatts provided an overview of an amendment to Section 54.1-2806, pertaining to causes for disciplinary action or denial of licensure. The proposed amendment would specifically include language to clarify that the Board may impose discipline for those who are registered or hold courtesy cards, such as registered interns, registered crematories, and courtesy card holders.

Upon a **MOTION** by Mr. Walton, and properly seconded by Ms. Steele, the Board voted to adopt the draft legislation for inclusion in the legislative package for the Department of Health Professions to submit to the Governor for consideration for the 2019 Session of the General Assembly.

## NEW BUSINESS

*Health Practitioners' Monitoring Program (HPMP) Presentation*

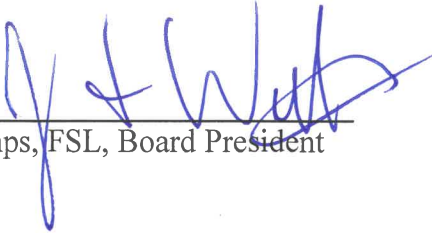
Ms. Wood provided the Board with a summary and overview of the HPMP program. She provided a quarterly report (April to June 2018) of the participants of the program which can average between 430-450 people. Dr. Brown stated that the purpose of the HPMP program is to provide the safe return of a recovering practitioner to practice in the Commonwealth.

**NEXT MEETING**

The next meeting date is October 16, 2018. Ms. Tillman Wolf stated that elections are to be held at the next Board meeting.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:48 a.m.



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Larry T. Omps, FSL, Board President



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Corie Tillman Wolf, J.D., Executive Director

01-1-18

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Date

11/2/18

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Date