



July 12, 2018

The Virginia Board of Funeral Directors and Embalmers convened for a Legislative/Regulatory Committee 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. Omms, FSL, Committee Chair  
Joseph Frank Walton, FSL  
Mia F. Mimms, FSL, JD

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

Erin Barrett, Assistant Attorney General, Board Counsel  
Sarah Georgen, Licensing and Operations Manager  
Lynne Helmick, Deputy Director  
Corie Tillman Wolf, Executive Director  
Heather Wright, Program Manager  
Elaine Yeatts, Sr. Policy Analyst

**GUESTS PRESENT**

Barry Robinson, Virginia Morticians Association

**CALL TO ORDER**

Mr. Omms called the meeting to order at 1:02 p.m. and asked the Board members and staff to introduce themselves.

With 3 members present at the meeting, a quorum was established.

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

Ms. Tillman Wolf then read the emergency egress instructions.

**ORDERING OF THE AGENDA**

Upon a **MOTION** by Mr. Walton, and properly seconded by Ms. Mimms, the Committee voted to accept the agenda as written. The motion passed unanimously.

**PUBLIC COMMENT**

Barry D. Robinson, Virginia Morticians Association (VMA), stated that an email had been sent to Ms. Tillman Wolf and Ms. Helmick regarding the definition of “courtesy card” and requested that the Committee consider revisions throughout the regulations for consistency, clarity and simplicity.

## DISCUSSION

*Review of and Recommendations for Changes to Regulations Pursuant to the Periodic Review of the Regulations of the Board of Funeral Directors and Embalmers (18VAC65-20-10 et seq., 18VAC65-30-10 et seq., 18VAC65-40-10 et seq.)*

Ms. Yeatts requested that the Committee consider changing the title of the regulations to “Regulations for the Practice of Funeral Service” as the current title could be confusing as the regulations do not encompass all of the regulations for the Board of Funeral Directors and Embalmers.

Ms. Tillman Wolf provided the following suggested staff changes for consideration, which were discussed by Committee members:

### *18VAC65-20-10. Definitions.*

- Under the definition for “Branch” or “chapel,” the type of affiliation is not defined. She asked the Committee to consider defining “affiliation.”
- Under the definition for “Courtesy card,” Ms. Tillman Wolf asked the Committee to consider clarifying the definition to mean the authorization issued by the Board.

### *18VAC65-20-15. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.*

- 18VAC65-20-15.B(5). Ms. Tillman Wolf noted that “sexual misconduct” is not currently defined in the Board’s regulations, however, the Internship Committee previously recommended the addition of a provision related to inappropriate and/or sexual misconduct during the periodic review process.

### *18VAC65-20-50. Posting of license.*

- 18VAC65-20-50.A. Ms. Tillman Wolf requested that the Committee clarify that the license shall be posted where a licensee practices, rather than where he is employed.

### *18VAC65-20-60. Accuracy of information.*

- 18VAC65-20-60.C. Ms. Tillman Wolf requested that a surface transportation and removal service shall notify the board within 14 days of any change in the name of the manager of record, rather than 30 days. This would be consistent with the provision for establishments.
- 18VAC65-20-60.D. Ms. Tillman Wolf requested that language be added to clarify that the notice of renewal could be transmitted electronically as allowed by legislation that became effective on July 1, 2018, or mailed to the licensee.

*18VAC65-20-70. Required Fees.*

- 18VAC65-20-70.G. Ms. Tillman Wolf requested the language to be stricken, as the shortfall reduction of fees is no longer valid.

*18VAC65-20-130. Renewal of license; registration.*

- 18VAC65-20-130.A.(3) Ms. Tillman Wolf requested the Committee consider the addition of a third requirement to this section to require that a courtesy card holder submit verification of an unrestricted funeral service license from the applicant's licensing authority in all states whether active, inactive, or expired.

*18VAC65-20-151. Continued competency requirements for renewal of an active license.*

- 18VAC65-20-151.E. Ms. Tillman Wolf requested the addition of letter "E" to this section to specify that a licensee shall be exempt from the continued competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

*18VAC65-20-152. Continuing education providers.*

Ms. Tillman Wolf reviewed the current requirements for registration of continuing education providers and potential changes as suggested by Ms. Yeatts. Committee members discussed the current process and agreed to keep that process, with minor changes to clarify the process to be proposed by Board staff.

*18VAC65-20-153. Documenting compliance with continuing education requirements.*

- 18VAC65-20-153.A. Ms. Tillman Wolf requested clarification that a licensee must maintain original documentation of CE compliance for a period of two years after each renewal period.

*18VAC65-20-154. Inactive License.*

- 18VAC65-20-154.A. Ms. Tillman Wolf requested that the renewal fee for inactive status be specified under section 18VAC65-20-70 for required fees for consistency.

*18VAC65-20-170. Requirements for an establishment license.*

- 18VAC65-20-170.D. Ms. Tillman Wolf requested that the regulations clarify when a new license number should be issued with a change of information. Ms. Yeatts stated that a Guidance Document may be more appropriate.
- 18VAC65-20-170.E. Ms. Tillman Wolf requested clarification to establish affiliation between main and branch establishments; however Ms. Barrett stated that it may require a more in depth review and should be tabled.

*18VAC65-20-171. Responsibilities of the manager of record.*

- 18VAC65-20-171.B.(4) Ms. Tillman Wolf requested the addition of a fourth requirement stating that the manager of record was responsible for correction and/or seeking correction of any deficiencies found in the course of an inspection.

*18VAC65-20-240. Requirements for funeral service licensure by examination.*

- 18VAC65-20-240.A.(1) Ms. Tillman Wolf requested to specify that applicants shall submit mortuary school transcripts when applying.
- 18VAC65-20-240.A.(2) Ms. Tillman Wolf requested to remove requirement no. 2, as the submittal of an application package in not less than 30 days prior to an examination date was no longer necessary.

*18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.*

- 18VAC65-20-350. Ms. Tillman Wolf requested to move the term “reciprocity” from the title of the section, as well as, removing it from section B, as all applicants holding a license in another jurisdiction are required to apply by endorsement.

*18VAC65-20-435. Registration of crematories.*

- 18VAC65-20-435. Ms. Tillman Wolf discussed proposed language to clarify whether a manager of record for a funeral establishment may also serve as the manager of record for a crematory at the same location.

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

- 18VAC65-20-436.A.(2) Ms. Tillman Wolf requested to clarify that the cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph of *the remains* signed by the person making the identification, executed prior to the cremation

**BREAK**

The Committee recessed at 2:36 p.m.

The Committee reconvened at 2:43 p.m.

**DISCUSSION CONTINUED**

*18VAC65-20-440. Courtesy Cards.*

- 18VAC65-20-440.B.(2) Ms. Tillman Wolf requested to add that the applicant for a courtesy card shall submit a verification from each state in which the licensee was licensed, whether current, inactive or expired, with at least one license in current, unrestricted status. Committee members discussed the courtesy card provisions and the public comment offered by Mr. Robinson.

- 18VAC65-20-440.C. Ms. Yeatts recommended that language be added that courtesy card holders shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia to reiterate the practice restriction imposed by the statute.

*18VAC65-20-510. Embalming report.*

- 18VAC65-20-510. Ms. Tillman Wolf recommended that language be added related to the name(s) of students who assisted with the embalming with the signature of their supervisor.

*18VAC65-20-580. Preparation room equipment.*

- 18VAC65-20-580(7) Mr. Walton requested to add that the means or method for the sterilization and/or disinfection of reusable instruments be by chemical bath or soak; autoclave (steam); or ultraviolet light. Committee members further discussed whether there should be any additional changes to the requirements for preparation rooms.

*18VAC65-20-700. Retention of documents.*

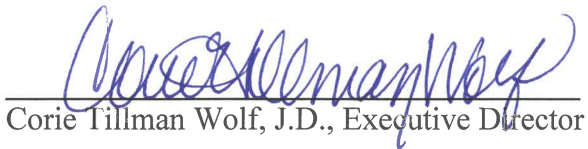
- 18VAC65-20-700. Ms. Tillman Wolf and Committee members discussed whether clarifications were needed to the wording regarding the retention of documents where there is a change of owner or relocation.

Upon a **MOTION** by Ms. Mimms, duly seconded by Mr. Walton, the Committee voted to put forth the recommendations as discussed by the Committee as listed by Ms. Yeatts for the consideration of NOIRA at the next Board meeting.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 3:31 p.m.

  
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Larry T. Omph, FSI, Board President

  
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Corie Tillman Wolf, J.D., Executive Director

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