

Call to Order – Frank Walton, FSL, Board President

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

Approval of Minutes

- Board Meeting - October 16, 2018
 - Formal Hearing - October 16, 2018
 - Regulatory Advisory Panel on Preneed Funeral Planning - November 1, 2018
 - Ad Hoc Committee on Internships - December 6, 2018
 - For informational purposes - Informal Conferences October 16, 2018 and October 30, 2018
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Ordering of Agenda

Public Comment

The Board will receive public comment 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**
 - Discipline Report – **Lynne Helmick, Deputy Executive Director**
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Board Counsel Report – Erin Barrett, Assistant Attorney General

Committee and Board Member Reports

- Report from the Board of Health Professions – **Louis R. Jones, FSL**
 - Report from the Regulatory Advisory Panel – Preneed Funeral Planning – **Blair Nelsen, FSL**
 - Report from Ad Hoc Committee on Internships – **Blair Nelsen, FSL**
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Legislation and Regulatory Actions – Elaine Yeatts, Sr. Policy Analyst

- Report on Regulatory Actions
 - Legislative Report
 - HB1828 – Legislation Regarding Casket Sales
 - HB2116 – Disposition of the Remains of a Decedent; Right to Control
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- SB1300 - Funeral Establishments; Full Time Manager Requirement
 - Discussion of Recommendations from Regulatory Advisory Panel - Preneed Funeral Planning
 - Discussion of Recommendations from Ad Hoc Committee on Internships
 - Adoption of NOIRAs for the Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.) and the Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.)
 - Withdrawal of Existing NOIRA related to Funeral Service Internship Program and Incorporation of Proposed Changes into Periodic Review
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Guidance Documents - Elaine Yeatts, Sr. Policy Analyst

- Review of Guidance Documents for Re-adoption
 - 65-4, Aiding and abetting unlicensed practice
 - 65-15, Guidance for granting internship extensions
 - Repeal of Guidance Documents for Embalming and Refrigeration
 - 65-8, Permission to Embalm
 - 65-18, Refrigeration of Dead Human Bodies
-
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Revisions to Inspection Reports - Lynne Helmick, Deputy Executive Director

- 76-21.3.1, Funeral Inspection Report
 - 76-21.3.2, Crematory Inspection Report
 - Approval of Revisions to Appendix I of Board's Regulations (18VAC65-20-10 et seq.)
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Board Training

- The Disciplinary Process - Erin Barrett, Assistant Attorney General
 - Probable Cause
-
-

Next Meeting - April 16, 2019

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

October 16, 2018

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, October 16, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Joseph Frank Walton, FSL, Vice President
Muhammad Hanif, Citizen Member
Kenneth Scott Hickey, M.D., Citizen Member
Blair H. Nelsen, FSL
R. Thomas Slusser, Jr., FSL
Connie B. Steele, FSL

BOARD MEMBERS ABSENT

Larry T. Omph, FSL, President
Mia F. Mimms, FSL, JD, Secretary-Treasurer
Louis R. Jones, FSL

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
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

Paul Harris, Regulatory Support Services
Barry D. Robinson, Virginia Morticians Association
Bo Keeney, Association of Independent Funeral Homes of Virginia
Bruce Keeney, Association of Independent Funeral Homes of Virginia
Kathy Martin, First Choice
Ryan O'Toole, Cozen O'Connor Law Firm
Yetty Shobo, Ph.D., Deputy Executive Director, Healthcare Workforce Data Center
Bryan Small, Virginia Funeral Directors Association
Kim Small, VisualResearch, Inc.

CALL TO ORDER

Mr. Walton called the meeting to order at 10:05 a.m. and asked the Board members and staff to introduce themselves.

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

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

Mr. Walton 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.

WELCOME NEW BOARD MEMBERS

Mr. Walton welcomed two new Board members: Muhammad Hanif, who succeeded Ibrahim Moiz, and Kenneth Scott Hickey, M.D., who succeeded Junius Williams, Jr. Mr. Walton also stated that Mr. Slusser was reappointed to the Board for a second four-year term.

APPROVAL OF MINTUES

Ms. Tillman Wolf requested to amend the July 12, 2018 Board meeting minutes to include Tyler Cox, HDJ and Laura McHale, The Keeney Group, under "Other Guests Present." Additionally, Ms. Tillman Wolf requested to amend page seven of the minutes in regards to open session to include language that the motion to reconvene in open session was passed unanimously.

Upon a **MOTION** by Mr. Slusser, and properly seconded by Ms. Steele, the Board voted to accept the July 12, 2018 Board meeting minutes as amended and the Legislative/Regulatory Committee meeting minutes from July 12, 2018 as written. The motion passed unanimously.

ORDERING OF THE AGENDA

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

PUBLIC COMMENT

Barry D. Robinson, Virginia Morticians Association (VMA), thanked the Board staff for their service and thanked Ms. Wright for her help when he has contacted the Board in the past. He stated that the VMA has an upcoming day of education in which Ms. Helmick and Mr. Nelsen will participate. He requested that the Board provide clarification on the vote regarding §54.1-2808.3 of the Code of Virginia and the Board's intent moving forward.

Brian Small, Virginia Funeral Directors Association (VFDA), expressed his dissatisfaction with the decision of the Board on the interpretation of the Code of Virginia §54.1-2808.3. He stated that the opening of casket sales was a foregone conclusion; Mr. Small stated his concern with the issues of transparency by the Board at its last meeting. He stated that the change to the law was made without due process or legislation. Mr. Small stated that the change raises issues regarding preneed contracts and recommended the Board consider permitting licensees to trust 100% of the price of casket sales. He further stated that Funeral Service Providers are not able to make unsolicited telephone calls regarding sales, unlike cemetery providers. Mr. Small asked the Board for more information on why the change was necessary, for changes to the preneed regulations to regulate the sale of caskets, and for Code and regulation changes to prevent ambiguity.

Bruce Keeney, Association of Independent Funeral Homes of Virginia (IFMV), stated that what transpired at the last Board meeting was not transparent. He stated that he disagreed with the Board's interpretation of §54.1-2808.3 of the Code of Virginia. He asked the Board to remain transparent in their decisions and requested clarification of the motion made at the July 12, 2018 Board meeting. Mr. Keeney noted that the legislation was reviewed by numerous individuals and attorneys prior to becoming law and considered it to be clear. He stated that there is widespread disagreement between associations with the interpretation and the lack of understanding of the Federal Trade Commission rule by the Board. He was concerned that the Board did not make the public aware of possible discussion of the law and stated that he had requested a meeting with the DHP Director, David Brown, to fully understand the Board's position and find a resolution to these concerns.

AGENCY REPORT

Dr. Allison-Bryan reported that the Board of Pharmacy received 51 applications regarding pharmaceutical processors to operate in the Commonwealth of Virginia. She noted that five applications had been selected and were currently undergoing background checks.

Dr. Allison-Bryan noted several workgroups that had been created including a workgroup on community health workers to determine if they should be licensed and regulated. She also stated that a workgroup regarding conversion therapy used to influence an individual's sexual orientation had been assembled. Dr. Allison-Bryan noted that the conversion therapy workgroup was working to draft regulations to remove this oversight of this type of therapy from the legislature, which would allow the individual Boards to determine if the therapy was appropriate.

Dr. Allison-Bryan also reported on the security issues of the building and noted several measures that would be implemented in the future, including the collection and replacement of Board member badges with temporary badges.

PRESENTATION – Use of the Revised Sanctioning Reference Points Worksheet – Kim Small, VisualResearch, Inc.

Ms. Small provided a training presentation on the revised Sanction Reference Manual (SRP). The use of the SRPs by Board members during informal conferences ensures transparency and due process during the disciplinary process.

BREAK

The Board took a 10-minute break at 10:54 a.m. The Board reconvened at 11:07 a.m.

STAFF REPORTS

Executive Director’s Report – Corie E. Tillman Wolf

Ms. Tillman Wolf welcomed Mr. Hanif and Dr. Hickey to the Board, and welcomed back Mr. Slusser for another term.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2018.

Cash Balance as of June 30, 2017	\$380,747
YTD FY18 Revenue	\$705,015
Less YTD Direct & In-Direct Expenditures	\$559,116
Cash Balance as of June 30, 2018	\$526,645

Ms. Tillman Wolf reported that The Conference is holding their 115th Annual Meeting in San Diego, CA from February 27-28, 2019. She advised Board members to contact her if they were interested in attending. Ms. Tillman Wolf also provided a draft of the Model Internship Program and 2017 Annual Report from The Conference. She requested that Board members contact her with any questions or concerns regarding those documents.

Ms. Tillman Wolf provided an overview of the status of the 2018 planning to include applications, funeral internships, Sanctioning Reference Points, and Guidance documents.

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

Licensure Statistics – All Licenses

License	October 15, 2018	July 11, 2018	Change (+/-)
Funeral Service Licensees	1,540	1,519	21
Funeral Director	36	35	1
Embalmer Only	2	2	--
Supervisors	553	543	10
Interns	200	190	10
Establishments	432	431	1
Branch Establishments	79	78	1
Crematories	116	116	--

CE Providers	13	19	(6)
Courtesy Card Holders	109	104	5
Surface Transport & Removal Svc.	40	40	--
Total (*not incl. supervisors)	2,567	2,534	33

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

January 1, 2018 – August 31, 2018

ARTS	Total Tested	Pass	Fail	Pass/Fail %
First-Time	891	681	210	76/24%
Repeat	274	143	131	52/48%
Total	1,165	824	341	71/29%

SCIENCE	Total Tested	Pass	Fail	Pass/Fail %
First-Time	856	597	259	70/30%
Repeat	313	106	207	34/66%
Total	1,169	703	466	60/40%

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

January 1, 2018 – August 31, 2018

NPTE	Total Tested	Pass	Fail	Pass/Fail %
Virginia	62	38	24	61.3/38.7%

VA EXAM	Total Tested	Pass	Fail	Pass/Fail %
Virginia	47	35	12	74.5/25.5%

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
- Q4 2018 – 100%

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

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 – Lynne Helmick, Deputy Executive Director

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

As of October 4, 2018, Ms. Helmick reported the following disciplinary statistics:

- 36 total cases
 - 3 in Informal Conferences
 - 1 in Formal
 - 21 in Investigation
 - 11 in Probable Cause
 - 8 licensees in Compliance Monitoring

Ms. Helmick reported the following Virginia Performs statistics for Q3 2018:

- Clearance Rate – 400% Received (Goal is 100%)
- Pending Caseload over 250 days was at 10% (Goal is under 20%)
- Cases closed within 250 days is 63% (Goal is over 90%)

Ms. Helmick reported the following Virginia Performs statistics for Q4 2018:

- Clearance Rate – 180% Received (Goal is 100%)
- Pending Caseload over 250 days was at 22% (Goal is under 20%)
- Cases closed within 250 days is 89% (Goal is over 90%)

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

- 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
- Q4 2018 – 13/24

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	Q4 - 2018
FDE	60%	70%	78.6%	85.7%	61.1%	87%
Agency	81.7%	86.7%	82.2%	86.7%	87.6%	80.6%

- Average days to close a case

	Q3 – 2017	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018	Q4 – 2018
FDE	295	223.3	229.3	169.1	383.3	211.8
Agency	222.8	194.1	255.7	186.5	196.4	201.1

Ms. Helmick provided the case categories in which disciplinary action was taken for fiscal years 2017 and 2018:

FY 2017	FY 2018
9 Cases Total <ul style="list-style-type: none"> • 1 FSL made arrangements with someone not authorized • 1 No permission for embalming • 1 substance abuse/impairment • 1 Refrigeration/embalming • 1 Standard of care • Non-compliance with previous Order • 2 preneed • 1 Failure to have records available • 1 Not a full time MOR • 2 Fraud/Misrepresentation • 2 Timely filing of death certificate • 1 Aiding & Abetting unlicensed activity 	16 Cases Total <ul style="list-style-type: none"> • 1 Reinstatement denied • 6 Unlicensed activities • 3 Failure to provide required documents • 3 Inspection related • 2 Not a full time MOR • 4 Aiding & Abetting unlicensed activity • 1 Fraud/Misrepresentation • 4 Timely filing of Death Certificate

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

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett introduced herself to new board members and explained role of board counsel.

Closed Meeting

Upon a **MOTION** by Ms. Steele, and duly seconded by Mr. Nelsen, the Board voted to convene in a closed meeting pursuant to Section 2.2-3711(A)(7) and (8) of the *Code of Virginia* for the purpose of consultation with legal counsel pertaining to probable litigation from the Virginia Funeral Directors Association, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. Additionally, she moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Helmick, Ms. Georgen, Ms. Wright, Ms. Yeatts, 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.

Reconvene

Upon a **MOTION** by Ms. Steele to reconvene in open session, Ms. Steele 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.

Ms. Barrett stated that the Board does not have jurisdiction over unlicensed individuals. She further stated that based upon the legislation and the Board's interpretation of the sale of caskets by third parties at the last meeting, the Board would not have the ability to pursue claims of the aiding and abetting of casket sales by unlicensed individuals.

COMMITTEE AND BOARD MEMBER REPORTS

Legislative/Regulatory Committee

Mr. Walton provided the Legislative/Regulatory Committee report. He stated that the Committee discussed the periodic review of the Regulations of the Board of Funeral Directors and Embalmers, and reviewed staff recommendations, which the Committee recommends for the Board's consideration of a NOIRA.

Report from the International Conference

Mr. Nelsen provided the report from the International Conference. He stated that they met in February in New Orleans, LA, and in June in Kansas City, MO. He provided the International Conference's Annual Report for review by the Board members. Mr. Nelsen reported that the fee for each section of the national exam increased on July 1 to \$285. He further reported that the International Conference has created a Model Internship Program.

LEGISLATION AND REGULATORY ACTIONS

Report on Regulatory Actions

Ms. Yeatts provided a brief overview of regulatory actions pending by the Board.

Periodic Review – Discussion and/or Adoption of NOIRAs

Ms. Yeatts first reviewed the NOIRA for the Regulations of the Board of Funeral Directors and Embalmers (18VAC65-20-10 et seq.). Ms. Yeatts provided an overview of the proposed sections that may be amended per the recommendations of the Legislative/Regulatory Committee. Ms. Tillman Wolf provided a review of sections with additional amendments proposed by staff.

Upon a **MOTION** by Mr. Slusser, and properly seconded by Mr. Nelsen, the Board voted to adopt the NOIRA for the Regulations of the Board of Funeral Directors and Embalmers Chapter 20. The motion passed unanimously.

With regard to the periodic review status of the Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.), Ms. Yeatts announced that the Regulatory Advisory Panel (RAP) on Preneed Funeral Planning was scheduled for November 1, 2018 in Training Room 2.

Ms. Yeatts provided an overview of the periodic review for an existing NOIRA related to the Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.).

Ms. Yeatts requested discussion by the Board on the internship hours in Chapter 40. She noted that the Committee on Internships should review the required hours in comparison with other jurisdictions. She further recommended that the Board roll the existing NOIRA related to funeral internships into one periodic review action and send the regulations back to the Committee on Internships for review and recommendation.

Upon a **MOTION** by Ms. Steele, and properly seconded by Mr. Nelsen, the Board voted to refer the issue regarding internship hours in Chapter 40 to the Committee on Internships for further research and recommendation, and to roll the previous NOIRA related to funeral internships into the current periodic review. The motion passed unanimously.

Report on the Status of Periodic Review for the Public Participation Guidelines (18VAC65-11-10 et seq.) and the Regulations for Preneed Funeral Planning (18VAC 65-30-10 et seq.)

Ms. Yeatts stated that all regulations need to be reviewed once every four years and that the Public Participation Guidelines should be reviewed following the comment period. She noted that the Board will likely retain the current regulations as written.

Consideration of Petition for Rulemaking (Watkins)

Ms. Yeatts presented the Petition for Rulemaking and the Board's options for response to the petition. The Board discussed the issue.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Mr. Slusser, the Board voted to deny initiation of rulemaking at this time, but to consider the issue further at the Regulatory Advisory Panel meeting regarding Preneed Funeral Planning in November. The motion passed unanimously.

BREAK

The Board took a five-minute break at 12:11 p.m. The Board reconvened at 12:17 p.m.

NEW BUSINESS

Report from the Healthcare Workforce Data Center: Virginia's Funeral Service Provider Workforce (2017) – Yetty Shobo, Ph.D., Deputy Executive Director

Ms. Shobo provided the report from the Healthcare Workforce Data Center: Virginia's Funeral Service Provider Workforce (2018). Ms. Shobo provided data trends and comparisons from the prior workforce survey and provided data resources to Board members.

Upon a **MOTION** by Dr. Hickey, and properly seconded by Mr. Slusser, the Board voted to accept the workforce survey as presented. The motion passed unanimously.

ELECTIONS

Mr. Walton opened the floor for nominations for the positions of Board President, Vice-President, and Secretary-Treasurer.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Steele, Mr. Walton was nominated for President of the Board. The motion passed unanimously.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Steele, the nominations for President were closed. The motion passed unanimously.

Upon a **MOTION** by Mr. Slusser, and properly seconded by Mr. Nelsen, Ms. Mimms was nominated for Vice-President of the Board. The motion passed unanimously.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Steele, the nominations for Vice-President were closed. The motion passed unanimously.

Upon a **MOTION** by Mr. Walton, and properly seconded by Ms. Steele, Mr. Slusser was nominated for Secretary-Treasurer of the Board. The motion passed unanimously.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Steele, the nominations for Secretary-Treasurer were closed. The motion passed unanimously.

Upon a **MOTION** by Mr. Walton, and properly seconded by Ms. Steele, the Board voted to elect Mr. Slusser as Secretary-Treasurer of the Board. The vote was unanimous.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Steele, the Board voted to elect the slate of candidates as nominated for President, Vice-President, and Secretary-Treasurer of the Board. The vote was unanimous.

Mr. Walton congratulated the Board's new officers.

NEXT MEETING

The next meeting date is January 24, 2019.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:33 p.m.

Joseph Frank Walton, FSL, Board Vice-President

Corie Tillman Wolf, J.D., Executive Director

Date

Date

Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING**

MINUTES

October 16, 2018

1:00 P.M.

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

CALL TO ORDER: The Formal Hearing of the Board was called to order at 1:15 p.m.

MEMBERS PRESENT: Frank Walton, FSL, Vice President
Tommy Slusser, FSL
Blair Nelsen, FSL
Connie Steele, FSL
Muhammad Hanif, Citizen Member
Kenneth Hickey, MD, Citizen Member

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie Tillman Wolf, Executive Director
Sarah Georgen, Licensing and Operations Manager

COURT REPORTER: Andrea Pegram Court Reporting Service

PARTIES ON BEHALF OF COMMONWEALTH: Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESS: Anna Badgley, Senior Investigator, DHP

MATTER SCHEDULED: Micheal Riebe, FSL, Reinstatement Applicant
License No.: 0502-901195
Case No.: 188561

ESTABLISHMENT OF A QUORUM:

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

DISCUSSION:

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

CLOSED SESSION:

Upon a motion by Mr. Slusser, and duly seconded by Mr. Nelsen, the Board 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 Micheal Riebe, FSL, Reinstatement Applicant. Additionally, he moved that Ms. Barrett, Ms. Tillman Wolf, and Ms. Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

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 Mr. Slusser and duly seconded by Mr. Nelsen, the Board moved to approve Mr. Riebe's application for reinstatement. Further, it was ordered that Mr. Riebe's license be placed on Probation to end when Mr. Riebe is released from federal probation . Motion carried.

VOTE:

The vote was unanimous

ADJOURNMENT:

The Board adjourned at 3:14 p.m.

The decision 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 Omgs, FSL, Chair

Corie Tillman Wolf, J.D., Executive Director

November 1, 2018

The Virginia Board of Funeral Directors and Embalmers convened for a Regulatory Advisory Panel meeting on Thursday, November 1, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Training Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Blair H. Nelsen, FSL, Panel Chair
Joseph Frank Walton, FSL

BOARD MEMBERS ABSENT

Mia F. Mimms, FSL, JD

OTHER PANELISTS PARTICIPATING:

Annette Greenwood, Estate Assurance Systems, Inc.
Paul Harris, Regulatory Support Services
Bruce Keeney, Association of Independent Funeral Homes of Virginia
RD Monson, Homesteaders Life Company
James Young, CLU, CIE, State Corporation Commission

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
Elaine Yeatts, Sr. Policy Analyst

OTHER GUESTS PRESENT

Angela Bezik, Virginia Funeral Directors Association
Tony Harrison, Atlantic Coast Life Insurance Company
Barry D. Robinson, Virginia Morticians Association
Rusty Spence, EOL Solutions

CALL TO ORDER

Mr. Nelsen called the meeting to order at 9:35 a.m. and asked the Board and panel members and staff to introduce themselves.

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

Ms. Tillman Wolf then read the emergency egress instructions.

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested that the Petition for Rulemaking first during the discussion to allow for Ms. Yeatts to provide an overview for the panel's consideration.

PUBLIC COMMENT

There was no public comment.

CHARGE OF THE RAP

Mr. Nelsen stated that the Regulatory Advisory Panel (RAP) was convened pursuant to 18VAC65-11-70 of the Board's Regulations related to Public Participation. The RAP was composed to provide professional specialization or technical assistance to the Board regarding the Preneed Funeral Planning regulations and to make recommendations for the periodic review of the regulations; and to make recommendations regarding a petition for rulemaking.

Mr. Nelsen stated that the Board's periodic review of the preneed regulations was conducted pursuant to 18VAC65-11-110 and the Governor's Executive Order 14. He further stated that the periodic review provides the process for a Board to review and receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity and cost of compliance.

DISCUSSION

Recommendations regarding Petition for Rulemaking (Watkins)

Ms. Yeatts summarized the petition and referred the panel to the comments made on the Virginia Regulatory Town Hall website. She noted that the full Board considered the petition at the last meeting on October 16, 2018 and had referred the petition to the RAP for consideration.

Ms. Yeatts noted that an issue related to preneed regulation recently arose based upon the concerns raised by a constituent of Delegate McGuire who encountered unanticipated costs from a preneed burial contract. Representatives from DHP (Ms. Yeatts and Ms. Tillman Wolf) and DPOR (Cemetery Board) met with Delegate McGuire and his constituent to discuss concerns and possible solutions. One suggested solution related to improving the disclosures for preneed contracts to ensure consumers receive clear information regarding guaranteed and nonguaranteed goods and services.

Mr. Nelsen noted that the panel should review the issue of disclosure in the review of the Regulations.

Review of Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.)

Ms. Yeatts explained the process for a Notice of Intended Regulatory Action (NOIRA) and reminded the panel to make recommendations regarding the Board's regulations. Legislative recommendations may also be noted separately.

Ms. Tillman Wolf questioned whether the disclosures currently in the Board's regulations could be included in an Appendix rather than the text of the regulations. This would enable the Board to address certain issues that arise or make routine edits without undergoing the regulatory process. Ms. Barrett stated concern that legal issues that could arise if there are changes to the disclosures outside of the regulatory process and did not recommend moving/adding the disclosure information to the appendix.

Recommendations for Periodic Review of and Amendments to Regulations for Preneed Funeral Planning

Mr. Nelsen reviewed, and the panel discussed the recommendations by section of the regulations as follows:

18VAC65-30-10. Definitions.

- Consider removal of definition of "capper, steerer, or shill."

18VAC65-30-50. Solicitation.

- Add clarifying language that registered funeral service interns shall not engage in funeral preneed planning and/or sales.

18VAC65-30-60. Records; general.

- For consistency with record retention requirements for other funeral-related documents, change requirement in (B) that preneed contracts and reporting documents shall be maintained on the premises of the establishment for three years after the death of the contract beneficiary.

18VAC65-30-70. Record reporting.

- In (A)(4), the alphabetical or chronological listing of all preneed contracts should also include where the contract is funded (e.g. name of insurance provider)/where the funds are maintained in addition to the existing requirement of how the contract is funded.
- In (B), consider requiring notification to the board and the existing contract buyer(s) when a contract provider changes ownership. Any notification should include any name/address change and whether the new establishment intends to honor or dishonor existing contracts.
- Consider whether notification regarding change of ownership is to each individual contract buyer or by public notification means.
- Consider addition of requirement that the contract provider who discontinues business operations provide a current list of preneed contracts to the board at the time of closure.

18VAC65-30-80. Content and format.

- No changes recommended by the RAP.

18VAC65-30-90. Disclosures.

- Consider language to require that licensees obtain acknowledgement from contract buyers that they have received the general price list and preneed disclosure questions and answers.

18VAC65-30-100. Finance charges prohibited.

- No changes recommended by the RAP.

18VAC65-30-110. Cancellation or transfer of contract.

- Consider whether reference to Virginia Code § 64.2-730 appropriate in (D).

18VAC65-30-120. Escrow account.

- No changes recommended by the RAP.

18VAC65-30-130. Real estate.

- No changes recommended by the RAP.

18VAC65-30-140. Personal property.

- No changes recommended by the RAP.

18VAC65-30-170. Trust accounts.

- No changes recommended by the RAP.

18VAC65-30-180. Life insurance or annuity.

- Consider whether reference to Virginia Code § 54.1-2820(C) is appropriate in first paragraph.

18VAC65-30-200. Supplies and services.

- No changes recommended by the RAP.

18VAC65-30-220. Content of preneed contracts.

- Review overall content of contract requirements for accuracy and clarification of language.
- Consider clarification of language related to “guaranteed” prices/services/goods to avoid confusion for consumers.
- Change reference to Virginia Funeral Director to Virginia Funeral Service Licensee to accurately reflect licensure type.

18VAC65-30-230. Content of disclosure statements.

- Review overall content of disclosure statements for accuracy and clarity for contract buyers/consumers, as well as compliance with federal FTC regulations.
- Consider clarification of language and/or further explanation related to “guaranteed” prices/services/goods to avoid confusion for contract buyers/consumers.

- Consider addition of language to encourage contract buyer/consumer to maintain a copy of the preneed contract as they would any legal document (e.g. safe place, provide to family member, etc.).
- Consider addition of language to explain what happens if a funeral home closes or changes ownership and what impact that change may have on a contract buyer's/consumer's choice.

NEXT MEETING

Mr. Nelsen stated that the recommendations of the RAP will be presented to the full Board at the next meeting scheduled for January 24, 2019. He stated that the Board will consider those recommendations for purposes of developing a NOIRA.

ADJOURNMENT

With all business concluded, the meeting adjourned at 10:57 a.m.

Blair Nelsen, FSL, Panel Chair

Corie Tillman Wolf, J.D., Executive Director

Date

Date

December 6, 2018

The Virginia Board of Funeral Directors and Embalmers convened for an Ad Hoc Committee Meeting on Internships on Thursday, December 6, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Training Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Blair Nelsen, FSL, Committee Chair
R. Thomas Slusser, Jr., FSL, Committee Member
Muhammad Hanif, Committee Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Corie Tillman Wolf, Executive Director
Lynne Helmick, Discipline Deputy Director
Sarah Georgen, Licensing and Operations Manager
Heather Wright, Program Manager
Elaine Yeatts, Sr. Policy Analyst

QUORUM:

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

CALL TO ORDER

Mr. Nelsen called the meeting to order at 10:04 a.m. and asked the Board members and staff to introduce themselves.

EMERGENCY EGRESS INSTRUCTIONS

Ms. Tillman Wolf read the emergency egress instructions.

PUBLIC COMMENT

There was no public comment.

PURPOSE OF THE MEETING:

Mr. Nelsen stated that the purpose of the meeting was to review the Board's regulations and make recommendations for the Periodic Review, to incorporate the NOIRA on Regulations for the Funeral Service Internship Program into the Periodic Review, and to provide a recommendation to the Board on Funeral Service Internship Program hours.

DISCUSSION

Periodic Review Recommendations

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

18VAC65-40-10: Definitions

- Under the definition for “Direct Supervision,” consider clarification of the definition as it relates to the presence of a licensed funeral service professional on premises and the supervision provided by a registered funeral internship supervisor

The Committee will recommend that this regulation remains unchanged.

18VAC65-40-90: Renewal of Registration

- Consider adding clarification that a notice of renewal also can be transmitted electronically, consistent with legislation that became effective on July 1, 2018

The Committee will recommend this change to the full Board.

18VAC65-40-110: Reinstatement of expired registration

- Clarify the title of this section to include reference to renewal of expired registrations
- Correct the reference to renewal within one year following expiration under 18VAC65-40-110(A) instead of reinstatement within one year

The Committee will recommend these changes to the full Board.

18VAC65-40-130: Funeral Service Internship

- Consider public comment related to the number of required hours for an internship
- Incorporate current NOIRA to amend (A) to indicate training should be completed within not less than 18 months nor more than 60 months, and the Board would only consider extensions for extenuating circumstances

The Committee deferred further discussion related to internship hours until later in the meeting.

18VAC65-40-220: Qualifications of Training Site

- Correct reference to resident trainee to intern under 18VAC65-40-220(B)

The Committee will recommend these changes to the full Board.

18VAC65-40-250: Requirements for Supervision

- Consider clarification of requirements for intern supervision
- Consider whether supervisor with previous board action can be approved as a supervisor or Board action with a certain amount of years

The Committee will recommend that the full Board change the language to specify supervision must be provided under a funeral service licensee with an unrestricted license. The Committee will also recommend that the full Board approve supervisors with previous board action within the previous three years on a case-by-case basis.

18VAC65-40-280: Supervisor application package

- Incorporate current NOIRA to require supervisors to register for supervision of each funeral service intern with an expiration for the registration of 60 months or at the completion of the intern's training, whichever occurs first, in order to allow the Board to track active supervisors and make sure supervisors are in good standing

The Committee will recommend these changes and that the proposed changes in the existing NOIRA related to the funeral intern program be rolled into the Periodic Review.

18VAC65-40-320: Reports to the board; six month report; partial report

- Consider removal of language related to deduction of credit hours for late intern reports

The Committee will recommend to the full Board to remove "Credit may be deducted for late reports" from 18VAC65-40-320(B)(2).

18VAC65-40-330: Failure to submit a training report

- Consider changes to language related to forfeiture of all or partial credit for training

The Committee will recommend to the full Board that the language be modified to clarify that an intern may not receive credit for training if they fail to submit a training report, rather than forfeiture of partial credit for training.

18VAC65-40-340: Supervisor's responsibilities

- Consider clarification of language related to supervision

The Committee will recommend that this regulation remains unchanged.

BREAK

The Committee took a 10-minute break at 10:41 a.m. The Committee reconvened at 10:51 a.m.

18VAC65-40-640: Disciplinary action

- Clarification that disciplinary action may be imposed for failure to comply with *the statutes* or regulations of the Board of Funeral Directors and Embalmers.

The Committee will recommend these changes to the full Board.

Addition of new regulation section

- Incorporate current NOIRA to add a regulation requiring that interns be identified to the public as interns in titles, correspondence, and communications with the public.

The Committee will recommend these changes and that the proposed language in the current NOIRA be rolled into the Periodic Review.

Review and Recommendations Regarding Funeral Service Internship Program Hours

Ms. Tillman Wolf provided the Committee with jurisdictional information compiled by the International Conference of Funeral Service Examining Boards, Inc. (“The Conference”) for comparative purposes. Ms. Tillman Wolf also provided membership responses from The Conference related to the total number of hours and total number of cases required for funeral service interns in other jurisdictions.

The Committee discussed the information provided by Ms. Tillman Wolf and requested her to provide further data regarding the number of applicants unable to meet the internship hours requirement within the timeframe necessary for licensure. Additionally, the Committee requested information regarding the applicants by endorsement to determine if any applicants were unable to meet the requirements for substantially equivalent hours.

Additionally, Ms. Tillman Wolf stated that she will continue to review other jurisdictions regulations to provide the full Board for consideration.

The Committee agreed to recommend to the full Board to review and to consider modifications of the number of required hours for an internship based upon the public comment received and review of neighboring state requirements.

Upon a **MOTION** by Mr. Slusser, and properly seconded by Mr. Nelsen, the Committee voted to recommend changes to the regulations as part of the Periodic Review as discussed, to consider a modification of the internship training hours, and to incorporate the current NOIRA related to the Funeral Service Internship Program into a NOIRA for the Periodic Review.

The motion passed unanimously.

ADJOURNMENT

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

Blair Nelsen, FSL, Chair

Corie Tillman Wolf, J.D., Executive Director

Date

Date

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

October 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 3:36 p.m.

MEMBERS PRESENT: Thomas Slusser, FSL, Chair
Joseph Walton, FSL

DHP STAFF PRESENT: Lynne Helmick, Deputy Executive Director
Claire Foley, Adjudication Specialist

MATTER: **Henry Randall, FSL**
License # 0502-900597
Case # 187067

DISCUSSION: Mr. Randall appeared before the Committee in accordance with the Notice of Informal Conference, dated August 21, 2018. Mr. Randall was present and was represented by Peter Stackhouse, Attorney at Law.

The Committee fully discussed the allegations as referenced in the August 21, 2018, Notice of Informal Conference.

BREAK: The committee took a break at 4:28 pm and returned at 4:35 pm.

CLOSED SESSION: Upon a motion by Mr. Walton, and duly seconded by Mr. Slusser, 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 Henry Randall, 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.

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 and announced its decision.

DECISION:

Upon a motion by Mr. Walton and duly seconded by Mr. Slusser, the Committee issued a reprimand to Mr. Randall and ordered a monetary penalty of \$1,300 to be paid within 60 days of the entry of the Order; one hour of continuing education in Virginia Laws and Regulations and one hour of continuing education in ethics to be completed within 120 days of entry of the Order; and within 30 days of the entry of the Order, Mr. Randall is to provide evidence he has come into compliance with §54.1-2806 (14).

The motion carried.

ADJOURNMENT:

The Committee adjourned at 5:10 p.m.

Thomas Slusser, FSL, Chair

Corie Tillman Wolf, Executive Director

Date

Date

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VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE
MINUTES

October 30, 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 11:20 a.m.
- MEMBERS PRESENT:** Louis Jones, FSL, Chair
Blair Nelsen, FSL
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Claire Foley, Adjudication Specialist
- OTHERS PRESENT:** Desiree Franklin
Norine Smith
Doris McClenny
- MATTER:** **Robert McClenny, Jr., FSL**
License # 0502-900049
Case # 180158 & 186816
- DISCUSSION:** Mr. McClenny appeared before the Committee in accordance with the Notice of Informal Conference, dated September 25, 2018.
- The Committee fully discussed the allegations as referenced in the September 25, 2018, Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Mr. Nelsen, 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 Robert McClenny, Jr., 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.
- 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 and announced its decision.

DECISION:

Upon a motion by Mr. Nelsen and duly seconded by Mr. Jones, the Committee voted to continue the probation status of Mr. McClenny's license. Additionally, the Committee ordered a monetary penalty of \$1,000 to be paid within 60 days of the entry of the Order; one hour of continuing education in Virginia Laws and Regulations within 90 days of entry of the Order.

The motion carried.

ADJOURNMENT:

The Committee adjourned at 11:26 a.m.

Louis Jones, FSL, Chair

Corie Tillman Wolf, Executive Director

Date

Date



Executive Director's Report

Virginia Department of Health Professions
Cash Balance
As of November 30, 2018

	<u>104- Funeral Directors and Embalmers</u>
Board Cash Balance as June 30, 2018	\$ 526,645
YTD FY19 Revenue	42,140
Less: YTD FY19 Direct and Allocated Expenditures	<u>244,826</u>
Board Cash Balance as November 30, 2018	<u><u>\$ 323,959</u></u>

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

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	23,480.00	34,845.00	11,365.00	67.38%
4002406	License & Renewal Fee	7,990.00	628,860.00	620,870.00	1.27%
4002407	Dup. License Certificate Fee	260.00	360.00	100.00	72.22%
4002409	Board Endorsement - Out	1,250.00	3,850.00	2,600.00	32.47%
4002421	Monetary Penalty & Late Fees	1,025.00	10,025.00	9,000.00	10.22%
4002430	Board Changes Fee	2,700.00	7,695.00	4,995.00	35.09%
4002432	Misc. Fee (Bad Check Fee)	35.00	35.00	-	100.00%
	Total Fee Revenue	36,740.00	685,670.00	648,930.00	5.36%
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	4,800.00	3,300.00	(1,500.00)	145.45%
	Total Other Revenue	4,800.00	3,300.00	(1,500.00)	145.45%
	Total Revenue	42,140.00	688,970.00	646,830.00	6.12%
5011110	Employer Retirement Contrib.				
5011120	Fed Old-Age Ins- Sal St Emp	1,908.84	5,779.00	3,870.16	33.03%
5011130	Fed Old-Age Ins- Wage Earners	-	623.00	623.00	0.00%
5011140	Group Insurance	328.68	990.00	661.32	33.20%
5011150	Medical/Hospitalization Ins.	5,916.42	28,998.00	23,081.58	20.40%
5011160	Retiree Medical/Hospitalizatn	293.74	884.00	590.26	33.23%
5011170	Long term Disability Ins	156.55	469.00	312.45	33.38%
	Total Employee Benefits	11,995.79	47,956.00	35,960.21	25.01%
5011200	Salaries				
5011230	Salaries, Classified	25,463.26	75,539.00	50,075.74	33.71%
5011250	Salaries, Overtime	566.54	-	(566.54)	0.00%
	Total Salaries	26,029.80	75,539.00	49,509.20	34.46%
5011300	Special Payments				
5011340	Specified Per Diem Payment	600.00	3,000.00	2,400.00	20.00%
5011380	Deferred Compnstn Match Pmts	70.75	720.00	649.25	9.83%
	Total Special Payments	670.75	3,720.00	3,049.25	18.03%
5011400	Wages				
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	-	8,133.00	8,133.00	0.00%
5011600	Terminatn Personal Svce Costs				
5011620	Salaries, Annual Leave Balanc	224.45	-	(224.45)	0.00%
5011640	Salaries, Cmp Leave Balances	101.64	-	(101.64)	0.00%
	Total Terminatn Personal Svce Costs	326.09	-	(326.09)	0.00%
5011930	Turnover/Vacancy Benefits	-	-	-	0.00%
	Total Personal Services	39,022.43	135,348.00	96,325.57	28.83%
5012000	Contractual Svs				

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

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
5012100	Communication Services				
5012110	Express Services	3.66	200.00	196.34	1.83%
5012130	Messenger Services	21.15	-	(21.15)	0.00%
5012140	Postal Services	567.40	3,500.00	2,932.60	16.21%
5012150	Printing Services	112.67	1,500.00	1,387.33	7.51%
5012160	Telecommunications Svcs (VITA)	108.16	300.00	191.84	36.05%
5012190	Inbound Freight Services	17.47	-	(17.47)	0.00%
	Total Communication Services	830.51	5,500.00	4,669.49	15.10%
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	-	2,545.00	2,545.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	3,250.00	3,250.00	0.00%
	Total Employee Development Services	250.00	7,595.00	7,345.00	3.29%
5012400	Mgmnt and Informational Svcs				
5012420	Fiscal Services	701.11	9,520.00	8,818.89	7.36%
5012440	Management Services	68.72	120.00	51.28	57.27%
5012460	Public Infrmtnl & Relatn Svcs	208.81	-	(208.81)	0.00%
5012470	Legal Services	165.00	500.00	335.00	33.00%
	Total Mgmnt and Informational Svcs	1,143.64	10,140.00	8,996.36	11.28%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	1,099.94	640.00	(459.94)	171.87%
	Total Repair and Maintenance Svcs	1,099.94	640.00	(459.94)	171.87%
5012600	Support Services				
5012640	Food & Dietary Services	300.36	2,100.00	1,799.64	14.30%
5012660	Manual Labor Services	61.86	1,200.00	1,138.14	5.16%
5012670	Production Services	458.48	1,120.00	661.52	40.94%
5012680	Skilled Services	64.82	910.00	845.18	7.12%
	Total Support Services	885.52	5,330.00	4,444.48	16.61%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	1,703.67	6,200.00	4,496.33	27.48%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	415.81	1,600.00	1,184.19	25.99%
5012880	Trvl, Meal Reimb- Not Rprtbl	243.00	750.00	507.00	32.40%
	Total Transportation Services	2,362.48	9,250.00	6,887.52	25.54%
	Total Contractual Svcs	6,572.09	38,455.00	31,882.91	17.09%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	827.55	1,500.00	672.45	55.17%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	Total Administrative Supplies	827.55	2,175.00	1,347.45	38.05%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%

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

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	6.23	30.00	23.77	20.77%
5013630	Food Service Supplies	43.21	90.00	46.79	48.01%
	Total Residential Supplies	49.44	120.00	70.56	41.20%
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	876.99	2,395.00	1,518.01	36.62%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	35.87	36.00	0.13	99.64%
	Total Insurance-Fixed Assets	35.87	36.00	0.13	99.64%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	4.04	-	(4.04)	0.00%
5015350	Building Rentals	16.80	-	(16.80)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	1,939.40	4,569.00	2,629.60	42.45%
	Total Operating Lease Payments	1,960.24	4,584.00	2,623.76	42.76%
5015500	Insurance-Operations				
5015510	General Liability Insurance	128.75	135.00	6.25	95.37%
5015540	Surety Bonds	7.60	8.00	0.40	95.00%
	Total Insurance-Operations	136.35	143.00	6.65	95.35%
	Total Continuous Charges	2,132.46	4,763.00	2,630.54	44.77%
5022000	Equipment				
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	Total Office Equipment	-	132.00	132.00	0.00%
	Total Equipment	-	132.00	132.00	0.00%
	Total Expenditures	48,603.97	181,093.00	132,489.03	26.84%
	Allocated Expenditures				
20600	Funeral\LTCA\IPT	46,752.28	104,110.65	57,358.37	44.91%
30100	Data Center	41,439.47	93,654.01	52,214.54	44.25%
30200	Human Resources	4,276.95	11,428.30	7,151.35	37.42%
30300	Finance	9,482.35	27,990.18	18,507.83	33.88%
30400	Director's Office	4,508.58	10,743.93	6,235.35	41.96%
30500	Enforcement	63,079.15	163,069.88	99,990.73	38.68%
30600	Administrative Proceedings	13,480.24	31,216.78	17,736.54	43.18%
30700	Impaired Practitioners	-	275.09	275.09	0.00%
30800	Attorney General	6,593.52	10,436.29	3,842.77	63.18%
30900	Board of Health Professions	3,419.36	8,934.92	5,515.56	38.27%

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

Account		Amount			
Number	Account Description	Amount	Budget	Under/(Over) Budget	% of Budget
31100	Maintenance and Repairs	-	1,844.12	1,844.12	0.00%
31300	Emp. Recognition Program	11.91	253.55	241.64	4.70%
31400	Conference Center	52.48	161.34	108.87	32.52%
31500	Pgm Devlpmnt & Implmentn	3,126.17	6,486.81	3,360.65	48.19%
Total Allocated Expenditures		<u>196,222.46</u>	<u>470,605.87</u>	<u>274,383.41</u>	<u>41.70%</u>
Net Revenue in Excess (Shortfall) of Expenditures		<u>\$ (202,686.43)</u>	<u>\$ 37,271.13</u>	<u>\$ 239,957.56</u>	<u>543.82%</u>

**DHP 2017-2018
Biennial Report
Funeral Directors & Embalmers**



Virginia Department of
Health Professions
2017-2018 Biennial Report

FROM JULY 1, 2016 TO JUNE 30, 2018



EXECUTIVE DIRECTOR

Corie E. Tillman Wolf, J.D.

	Clearance Rate	Age of Pending Caseload	Time to Disposition	Applicant Satisfaction	Initial Applications	Total Licensees
Q1 2017	0%	18%	-	100%	100%	2,526
Q2 2017	0%	45%	-	100%	100%	2,561
Q3 2017	300%	20%	50%	89%	100%	2,609
Q4 2017	100%	10%	67%	100%	98%	2,513
Q1 2018	67%	8%	100%	100%	100%	2,554
Q2 2018	0%	13%	-	N/A	100%	2,579
Q3 2018	400%	10%	63%	N/A	100%	2,620
Q4 2018	180%	22%	89%	100%	100%	2,531

Innovations & Advancements

During the biennium, the Board of Funeral Directors and Embalmers (“Board”) implemented a number of initiatives to:

- increase opportunities for licensees to obtain continuing education credit;
- review and update a wide variety of Board programs and processes for consistency and effectiveness;
- collect workforce data for funeral service providers;
- increase communication with licensees; and,
- engage collaboratively at the national and state levels.

The Board proposed and adopted regulations to promote the continuing competence of practitioners. In March 2017, final regulations became effective to permit practitioners to earn continuing education (CE) credit through volunteering their professional services at local health departments or free clinics. In April 2017, in an effort to promote both continuing competency and practitioner knowledge of the Board, the Board initiated regulations to permit practitioners to obtain CE credit by attending Board meetings and hearings. The final regulations were under review as of the end of the biennium.

The Board performed comprehensive reviews of a number of programs and processes, including the funeral service internship program, the funeral facility inspection process, the Board’s state examination, and the disciplinary sanctioning guidelines.

Beginning in July 2017, the Board convened an Ad Hoc Committee on Funeral Internships to review the Board’s internship program and reporting processes. In addition to concerns about the length of time for registered interns to complete their training and licensure requirements, Board members and staff raised

concerns that the training reports submitted by interns often did not reflect adequately or clearly the nature or content of their training. As a result, the Ad Hoc Committee made recommendations to the full Board regarding a number of amendments to the Board’s regulations related to the length of time for an internship, as well as clarification regarding extensions of internships. The Ad Hoc Committee also reviewed and recommended substantive revisions to the internship reporting forms. The revised intern reporting forms include additional areas of training, require additional case information for embalmings and funerals, remove rating scales for proficiency, and clarify the intern and supervisor attestations. The new forms became available for use in January 2018.

In 2018, the Ad Hoc Committee on Internships continued to discuss issues impacting interns, including supervision and disciplinary provisions related to inappropriate sexual conduct directed at interns. In addition, based upon legislation passed in 2018 related to permitting mortuary science students to receive training in the embalming process in funeral establishments, the Ad Hoc Committee weighed in on recommendations to the full Board regarding appropriate regulatory requirements to effectuate the legislation. As a result of these recommendations, the full Board began the regulatory process to promulgate regulations for student embalming in July 2018.

In late 2016, Board staff worked with staff from the Department’s Enforcement Division to perform a review the funeral facility inspection process. Staff worked collaboratively to find ways to streamline the inspection process and create efficiencies, including increasing the use of technology in the field, improving the inspection planning process, and updating inspection-related documents and information for licensees.

(continued on the next page)

Innovations & Advancements (continued)

In October 2017, the Board convened the Examination Committee to perform a comprehensive review of the Board's state examination. Since January 2017, the Board's "Laws, Rules, and Regulations" examination has been administered by the International Conference of Funeral Service Examining Boards.

In January 2018, the Board completed its first comprehensive review and update of the Board's Sanctioning Reference Points (SRP) manual, which establishes guideline sanctions for use in disciplinary cases. To ensure that the Board's guideline sanctions have remained consistent and fair since the initial adoption of the SRP in March 2007, the Board used empirical data gathered about cases and sanctions from 2007 to 2018 to recalculate sanction ranges and review case classifications. As a result of this review process, the updated guidelines are built upon a solid foundation of 16 years of case data (2002-2018).

The Board began to collect workforce survey data on funeral service providers in Virginia in 2017 through the Healthcare Workforce Data Center. The second year of survey data was collected in 2018 during the yearly renewal cycle. As survey data is routinely collected each year, the Board will continue to review its data collection to ensure that data on the funeral service provider workforce in Virginia is accurately captured. The Board will also have the opportunity to identify workforce trends over time.

Throughout 2017 and 2018, the Board has made efforts to increase the amount of information provided to licensees about Board activities and available resources through e-mail "blasts" and newsletters. In addition, the Executive Director and Deputy Executive Director gave a number of presentations on the Board and its laws and regulations to licensee members of all three professional

organizations in Virginia: the Virginia Funeral Directors' Association (VFDA), the Association of Independent Funeral Homes of Virginia (IFHV), and the Virginia Mortician's Association (VMA).

Engagement at the national level has opened doors to the sharing of ideas and resources and has enhanced the Board's ability to fulfill its mission. Board members and staff are actively involved with the International Conference of Funeral Service Examining Boards (the Conference), serving as presenters, committee members, and training participants whenever the opportunities arise. In 2017, Board member Blair H. Nelsen, FSL, was elected to serve for a two-year term on the Conference's Board of Directors. Also in 2017, Board member Mia Mimms, FSL, JD, was appointed to the Job-Task Analysis Committee.

In addition to participation in the regulatory dialogue at the national level, the Board continued to have a presence in collaborative efforts at the state level. Board staff participated in the Electronic Death Reporting System (EDRS) Stakeholder Group. The EDRS Stakeholder Group provided a forum for discussion about death certificate-related issues and information-sharing among representatives from state agencies, including the Virginia Department of Health, Division of Vital Records and Office of the Chief Medical Examiner, and the Department of Health Professions, as well as from professional associations representing funeral service and health care providers.

Regulatory Actions

One regulatory action was finalized:

- In compliance with Chapter 82 of the 2016 General Assembly, the Board adopted regulations to allow funeral service licensees, funeral directors, and embalmers to count one hour of the five hours required for annual renewal to be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic. The action was effective on March 9, 2017.

Two regulatory actions were in process but not yet finalized:

- The Board incorporated into regulations its guidance on the statutory requirements for express permission to embalm a body and for refrigeration of a dead human body. The NOIRA was published on June 14, 2017, and the action was at the final stage at the conclusion of the biennium.
- The Board amended the section on continuing education by offering one hour of CE credit every other year for attendance at a board meeting or at an informal conference or formal hearing. In the year the one hour of credit was granted, it could meet the statutory requirement for “one hour per year covering compliance with federal or state laws and regulations governing the profession (§54.1-2816.1).” The NOIRA was published on August 23, 2017, and the action was at the final stage at the conclusion of the biennium.

Legislative actions affecting the Board:

- Chapter 186 of the 2018 General Assembly requires every public institution

of higher education that offers a degree in mortuary science to require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program. The bill also provides that a person who is duly enrolled in a mortuary education program may assist in embalming while under the supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board of Funeral Directors and Embalmers, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

- Chapter 378 of the 2018 General Assembly provides that when arrangements for funeral services have been made by a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with federal law.
- Chapter 101 of the 2018 General Assembly provides that the Board of Funeral Directors and Embalmers, the Board of Medicine, and the Board of Nursing may send notices for license renewal electronically.
- Chapters 207 and 208 of the 2018 General Assembly require that a licensed funeral director or funeral service licensee who first assumes custody of a dead body to complete and file a death certificate with the State Registrar of Vital records using the Electronic Death Registration System.

(continued on the next page)

Regulatory Actions (continued)

Legislative actions affecting the Board:

- Chapter 482 of the 2017 General Assembly permits a funeral service provider to request information about a decedent's life insurance policy, including the name and contact information of any beneficiaries of record. When a funeral service provider receives beneficiary information, the provider is required to make all reasonable efforts to contact all beneficiaries of record within four calendar days of receiving the information. The provider is required to inform the beneficiaries that they have no legal duty or obligation to pay amounts associated with funeral services or debts of the decedent.

Challenges & Solutions

Although there have been some systemic improvements, the timely filing of death certificates continues to be problematic. Funeral directors often have difficulty in getting a healthcare practitioner to sign the death certificate within the timeframe required by law.

The Division of Vital Records at the Virginia Department of Health implemented the Electronic Death Records System (EDRS) in November, 2014, which has greatly eased the process for filing death certificates. An increasing number of funeral licensees have registered for and are using the electronic filing system. In fact, pursuant to legislation passed in 2018, all funeral service providers who first assume custody of a dead body will be required to utilize the EDRS system in order to file death certificates. Efforts continue to increase the number of physicians and healthcare providers who access and use the EDRS system to sign certificates. The Division of Vital Records continues to host stakeholders meetings on a quarterly basis (EDRS Stakeholders Group) to identify updates to the system, as well as receive feedback from representatives of professional organizations and state agencies with the goals of increasing system usage and efficiency.

Ensuring that funeral service interns receive comprehensive training in funeral services and complete their internships in a timely manner are issues that have been addressed periodically by the Board throughout the years. In 2017, the Board convened the Ad Hoc Committee on Funeral Internships to review the funeral service internship program and to make recommendations to the full Board regarding time and reporting requirements. The Committee's work has resulted in changes to the internship reporting forms, as well as proposed amendments to the Board's regulations. Should additional internship issues arise, the Committee may reconvene in the future.

The Conference

2018 Continuing Education Review



2018 Continuing Education Review

Continuing Education Requirements

STATE	HOURS REQUIRED	YEAR(S)
Alabama	8	2 years
Arizona	12	year
Arkansas	6	year
Connecticut	6	year
Delaware	10	2 years
District of Columbia	12	2 years
Florida	12	2 years
Georgia	10	2 years
Idaho	8	year
Illinois	24	2 years
Indiana	5	year
Iowa	24	2 years
Kansas	12	2 years
Kentucky	12	2 years
Louisiana	4	year
Maine	12	2 years
Maryland	12	2 years
Massachusetts	8	year
Minnesota	15	2 years
Montana	12	2 years
Nebraska	16	2 years

Continuing Education Requirements

STATE	HOURS REQUIRED	YEAR(S)
Nevada	12	2 years
New Hampshire	14	2 years
New Jersey	10	2 years
New Mexico	12	year
New York	12	2 years
North Carolina	5	2 years
Ohio	18	2 years
Oklahoma	6	year
Pennsylvania	6	year
Rhode Island	5	year
South Carolina	6	2 years
Tennessee	10	year
Texas	16	2 years
Utah	20	2 years
Vermont***	18	2 years
Virginia	5	year
Washington	5	year
West Virginia***		year
Wisconsin	15	2 years
Wyoming	8	year

***CEU Not Required
in the following:***

Alaska
California
Colorado
Hawaii
Michigan
Mississippi
Missouri
North Dakota
Oregon
South Dakota

Report from the Board of Health Professions

In Attendance

Helene D. Clayton-Jeter, OD, Board of Optometry
Mark Johnson, DVM, Board of Veterinary Medicine
Allen R. Jones, Jr., DPT, PT, Board of Physical Therapy
Trula E. Minton, MS, RN, Board of Nursing
Herb Stewart, PhD, Board of Psychology
James D. Watkins, DDS, Board of Dentistry
James Wells, RPh, Citizen Member

Absent

Lisette P. Carbajal, MPA, Citizen Member
Kevin Doyle, EdD, LPC, LSATP, Board of Counseling
Louis R. Jones, FSL, Board of Funeral Directors and Embalmers
Derrick Kendall, NHA, Board of Long-Term Care Administrators
Alison R. King, PhD, CCC-SLP, Board of Audiology & Speech-Language Pathology
Ryan Logan, RPh, Board of Pharmacy
Kevin O'Connor, MD, Board of Medicine
Martha S. Rackets, PhD, Citizen Member
Maribel Ramos, Citizen Member
John M. Salay, MSW, Board of Social Work

DHP Staff

David Brown, DC, Director DHP
Elizabeth A. Carter, Ph.D., Executive Director BHP
Laura L. Jackson, MSHSA, Operations Manager BHP
Charise Mitchel, OAG
Yetty Shobo, PhD, Deputy Executive Director BHP
Elaine Yeatts, Senior Policy Analyst DHP

Presenters

Charles Giles, Budget Manager DHP
Yetty Shobo, PhD, Deputy Executive Direct BHP

Speakers

No speakers signed-in

Observers

No observers signed-in

Emergency Egress

Dr. Carter

Call to Order

Chair: Dr. Clayton-Jeter **Time** 10:07 a.m.
Quorum Not established 7 members in attendance, 9 needed for quorum

Public Comment

Discussion

There was no public comment

Welcome of New Board Members

Discussion

Dr. Clayton Jeter welcomed three new board members:

- Louis R. Jones, Board of Funeral Directors & Embalmers
- Alison R. King, PhD, CCC-SLP, Board of Audiology & Speech Language Pathology
- John M. Salay, MSW, board of Social Work

Legislative and Regulatory Report

Presenter Ms. Yeatts

Discussion

Ms. Yeatts advised the Board of updates to the laws and regulations that affect DHP currently in the General Assembly. There are currently 59 actions with 21 at the Governor's office.

Directors Report

Presenter Dr. Brown

Discussion

Dr. Brown reported that DHP has hired a contractor to assist with the creation of a new agency website. This new website will be user friendly for both internal staff as well as the public. IT has made it possible for boards to enter their own information on the agencies webpage.

Dr. Brown provided two handouts that included the Summary and Recommendations made by JLARC in the findings from the DPOR review. He stated that there were several comparisons in the report to DHP and how DHP can use the report findings as a blueprint for the future.

Approval of Minutes

Presenter Dr. Clayton-Jeter

Discussion

Approval of minutes was carried over to February 25, 2019 due to lack of quorum.

Board Chair Report

Presenter Dr. Clayton-Jeter

Discussion

Dr. Clayton-Jeter read the agencies Mission statement and stressed that it is each board members job to serve and protect the public.

Budget Report

Presenter Mr. Giles

Discussion

Mr. Giles reviewed the agencies FY20 Budget.

Executive Directors Report

Presenter Dr. Carter

Board Budget

Dr. Carter stated that the Board is operating under budget.

Agency Performance

Dr. Carter provided a review of the agencies current license count, applicant satisfaction survey results and cases received, open & closed.

Up for Review – Board Bylaws and Mission Statement

Dr. Carter stated that the Board will be reviewing its Bylaws and Mission statement. This discussion served as the start of the 30-day review period. A vote will be taken at the February 25, 2019 meeting.

Sanction Reference Points (SRP) - Update

SRP work for the boards is ongoing.

Policies & Procedures

Due to lack of quorum, this vote has been carried over to the February 25, 2019 meeting.

Lunch break - 12:05 p.m.

Healthcare Workforce Data Center (DHP HWDC)

Presenter Dr. Shobo

Discussion

Dr. Shobo provided a PowerPoint presentation that she presented at the annual Southern Demographics Association meeting that utilized DHP licensure data. She also advised the Board that DHP HWDC is up to date on all survey reports and posting of the workforce briefs and is in the process of collecting the survey data from December license renewals.

Board Reports

Presenter Dr. Clayton-Jeter

Board of Audiology & Speech Language Pathology

Dr. King was not present. There was no report for this Board.

Board of Counseling

Dr. Doyle was not present. There was no report for this Board.

Board of Dentistry

Dr. Watkins provided an overview of the Boards activities since its last meeting. He stated that since July 2018 they have received one new board member appointment and that the September 14, 2018 Board meeting was cancelled due to the hurricane. The Boards Regulatory and Legislative Review Committee met in October and SRP interviews are ongoing. The next board meeting is scheduled for December 14, 2018.

Board of Funeral Directors & Embalmers

Mr. Jones was not present. There was not report for this Board.

Board of Long Term Care Administrators

Mr. Kendall was not present. Dr. Carter provided his written update. The LTCA Board items of interest were that final regulations from its periodic review of regulations for both Assisted Living Facility

Administrators and Nursing Home Administrators are pending review in the Governor's Office. Additionally, one item of special interest on the Board's November agenda is Emergency Preparedness and the lessons learned from Hurricane Florence for LTC facilities. Board member Karen Stanfield, who oversees a number of nursing home facilities in the region, including in the Wilmington area of North Carolina, will share her insights about what went well and did not go well. This will likely stimulate discussion about the regulatory implications when there are emergencies of this magnitude.

Board of Medicine

Dr. O'Connor was not present. There was no report for this Board.

Board of Nursing

Ms. Minton stated that the Board last met November 13, 2018. She was happy to report that all Board staff vacancies within the department have been filled, and that Dr. Paula Saxby will be retiring in June 2019. She noted that Executive Director Jay Douglas has been appointed to the NCSBN Board of Directors. The Board is currently reviewing 14 guidance documents, including the prescribing of bupropion by licensed NPs. The Board had extensive turnover and is in the beginning phase of strategic planning for new board member training. Ms. Minton also stated that probable cause acceptance of recommendation was at 88%.

Board of Optometry

Dr. Clayton-Jeter provided an overview of the Boards activities since its last meeting. (Attachment 1)

Board of Pharmacy

Mr. Logan was not present. There was no report for this Board.

Board of Physical Therapy

Dr. Jones, Jr. provided an overview of the Boards activities since its last meeting. (Attachment 2)

Board of Psychology

Dr. Stewart provided an overview of the Boards activities since its last meeting. He stated that he and Ms. Hoyle attended the ASPPB annual meeting in Utah. The meeting focused on the roll-out of the Enhanced Examination for Professional practice in Psychology (EPPP), which would add a competency component to the current EPPP. Future meetings of the board will include discussion of the development of the competency part and its impact on Virginia.

Board of Social Work

Mr. Salay was not present. There was no report for this Board.

Board of Veterinary Medicine

Dr. Johnson provided an overview of the Boards activities since its last meeting. (Attachment 3)

DRAFT

Election of Officers - Nominating Committee

Presenter Ms. Haynes, Chair

Discussion

The Nominating Committee met prior to the Full Board meeting to organize a slate of officers for today's Chair and Vice Chair elections. Dr. Johnson stated that Dr. Allen Jones, Jr., submitted interest in the Chair position and James Wells, RPh, submitted interest in the Vice Chair position. Due to lack of quorum this vote will be carried over to the February 25, 2019 Full Board meeting.

New Business

Presenter Dr. Clayton-Jeter

No new business was discussed.

February 25, 2019 Full Board Meeting

Presenter Dr. Clayton-Jeter

Dr. Clayton-Jeter announced the next Full Board meeting date as February 25, 2019.

Adjourned

Adjourned 1:16 p.m.

Chair Helene Clayton-Jeter, OD

Signature: _____ Date: ____/____/____

Board Executive Director Elizabeth A. Carter, Ph.D.

Signature: _____ Date: ____/____/____

**Virginia Board of Optometry
Board of Health Professions Meeting
December 4, 2018**

Statistics

January 1 – December 4, 2018

Board - 3	Committee - 0	Disciplinary - 5
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Complaints (no further update)

FY2016 Received - 13	FY2017 Received - 36	FY2018 Received - 42	Y-T-D FY2019 Received - 7
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Licenses (in state/out of state based on address of record provided by licensee)

Licensure renewal is currently underway. There was a fee reduction with this renewal and a change in expiration date. The expiration date is moved to March 31. This year’s renewal will result in a license that is valid for 15 months.

FY2017

Total - 1,921	TPA - 1,148/390	DPA - 27/90	Professional Designations - 266
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Y-T-D as of 11/30/19

Total - 1,948	TPA - 1,178/407	DPA - 21/84	Professional Designations - 258
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Continuing Education

Audit underway.

Regulatory Changes

The Board is promulgating regulations for and inactive optometry license.

Board of Physical Therapy

Last Meeting: November 13, 2018

Current Items of Interest:

- **PT Licensure Compact** - In May, the Board voted to pursue legislation to enact the Physical Therapy Licensure Compact. This legislation would allow agreement between member states to improve access to physical therapy services for the public by increasing the mobility of eligible physical therapy providers to work in multiple states. The Board has received word that this legislation will be in the Governor's Legislative Package for 2019.
- In October, the Board received the 2018 Excellence in Regulation Award from the Federation of State Boards of Physical Therapy (FSBPT). The Board was one of two states chosen for the award.
- In November, the Board received training from Kim Small and Neal Kauder from Visual Research, Inc., regarding the Board's updated Sanctioning Reference Points (SRP) worksheets. The Board voted to make slight changes to the manual, which is being updated for use.
- The Board has initiated the periodic review process for its regulations related to the practice of physical therapy, as well as the Board's public participation guidelines.

**Virginia Board of Veterinary Medicine
Board of Health Professions Meeting
December 4, 2018**

Statistics

Next scheduled meeting is November 6, 2018.

Complaints (62 additional cases equates to a 31.5% increase; complexity of cases have also increased)

FY2016 Received – 197	FY2017 Received - 259	FY2018 Received - 217	Y-T-D FY2019 Received - 76
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Licenses (in state/out of state based on address of record provided by licensee)

Renewal currently underway.

Type of Licensee	Total # of Licensees	In-State Address Active/Inactive	Out-of-State Address Active/Inactive
Veterinarian	4,458	3234/56	946/222
Veterinary Technician	2,318	1,986/43	253/28
Equine Dental Technician	26	17/0	9/0
Veterinary Establishment Stationary & Ambulatory	1156		

Continuing Education

Continuing education (CE) audit is complete.

Inspection Update

Starting in January, the routine inspection process will focus on the most frequent types of violations, which are related to drug stocks and surgical suites. Focused inspection will be a better utilization of resources and improve efficiency of the inspection process. A focused inspection will not preclude and inspection from citing a violation related to other areas.

Legislation of Interest

The Board continues to oversee the new PMP reporting requirements for veterinarians. There are 1,163 veterinarians with a current, active license that have not completed a waiver or registered to report to the PMP. The Board is working with the PMP to resolved this issue.

Staffing Update

A Veterinary Review Coordinator has been added to board staff to help with the disciplinary caseload. The VRC has been delegated authority by the Board to make probable cause decisions for cases involving impairment, facility inspections violations, non-compliance with a board order and PMP reporting.

The next board meeting is scheduled for March 7, 2017.

Legislation and Regulatory Actions

Report on Regulatory Actions

Report on Regulatory Actions (as of January 1, 2019)

Board	Board of Funeral Directors and Embalmers	
Chapter	Action / Stage Information	
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Results of periodic review [Action 5165] NOIRA - At Secretary's Office [Stage 8445]
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Students assisting with embalming [Action 5105] Fast-Track - Register Date: 1/7/19 [Stage 8360]
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Clarification of permission to embalm and refrigeration of human remains [Action 4765] Final - Register Date: 11/26/18 [Stage 8282]
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	Oversight of funeral intern program [Action 4895] NOIRA - Register Date: 8/6/18 [Stage 8183]

Legislative Report

19101662D

HOUSE BILL NO. 1828

Offered January 9, 2019

Prefiled January 2, 2019

A BILL to amend and reenact §§ 54.1-2800 and 54.1-2808.3 of the Code of Virginia, relating to funeral services; sale of caskets.

Patron—Orrock

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2800 and 54.1-2808.3 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2800. Definitions.

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

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

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

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

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

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

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

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

"Embalming" means the process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.

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

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

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

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

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

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

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

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial, or cremation, the making of arrangements for the funeral service or for the financing of the funeral service, and the selling or making of financial arrangements for the sale of funeral supplies to the public; however, "practice of funeral services" does not include the selling or making of financial arrangements for the sale of caskets at-need.

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

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

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

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

59 **§ 54.1-2808.3. Sale of caskets; acceptance of third-party-provided caskets.**

60 *A. No person other than a licensed funeral establishment or funeral service licensee shall offer for*
61 *sale or sell a casket unless such offer or sale is made at-need.*

62 *B. When at-need arrangements for funeral services have been made with a licensed funeral service*
63 *establishment, funeral service licensees shall accept caskets provided by third parties in accordance with*
64 *16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission. When preneed arrangements*
65 *for funeral services, including preneed funeral contracts and preneed funeral planning, have been made*
66 *with a licensed funeral service establishment, funeral service licensees shall not be required to accept*
67 *caskets provided by third parties.*

19100545D

HOUSE BILL NO. 2116

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact §§ 32.1-309.1, 54.1-2800, 54.1-2807, and 54.1-2825 of the Code of Virginia, and to repeal §§ 54.1-2807.01 and 54.1-2807.02 of the Code of Virginia, relating to the disposition of the remains of a decedent; right to control.

Patron—Sickles

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-309.1, 54.1-2800, 54.1-2807, and 54.1-2825 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

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

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

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

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

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59 to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall
60 bear the expenses of such disposition.

61 If the identity of the decedent is known or the primary law-enforcement agency is able to determine
62 the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts,
63 to identify and notify the decedent's next of kin or other person authorized by law to make arrangements
64 for disposition of the decedent's remains within 10 days of the date of contact by the person or
65 institution having initial custody of the dead body, or the primary law-enforcement agency is able to
66 identify and notify the decedent's next of kin or other person authorized by law to make arrangements
67 for disposition of the decedent's remains but the next of kin or other person authorized by law to make
68 arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days,
69 the primary law-enforcement agency shall notify the person or institution having initial custody of the
70 dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

71 E. In cases in which a dead body is claimed by the decedent's next of kin or other person authorized
72 by law to make arrangements for disposition of the decedent's remains but the next of kin or other
73 person authorized by law to make arrangements for disposition of the decedent's remains is unable to
74 pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which
75 the decedent resided or in which the death occurred in accordance with this section, and the decedent
76 has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be
77 seized for such purpose.

78 F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to
79 § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been
80 completed.

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

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

89 **§ 54.1-2800. Definitions.**

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

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

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

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

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

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

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

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

100 "Embalming" means the process of chemically treating the dead human body by arterial injection and
101 cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of
102 microorganisms to temporarily retard organic decomposition.

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

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

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

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

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

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

115 "Next of kin" means any of the following persons, regardless of the relationship to the decedent: any
116 person designated to make arrangements for the disposition of the decedent's remains upon his death
117 pursuant to § 54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18
118 years or older, custodial parent or noncustodial parent of a decedent younger than 18 years of age,
119 siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal
120 grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18

121 years of age, or any other relative in the descending order of blood relationship listed in subsection C of
122 § 54.1-2825.

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

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

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

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

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

135 **§ 54.1-2807. Other prohibited activities.**

136 A. A person licensed for the practice of funeral service shall not (i) remove or embalm a body when
137 he has information indicating the death was such that an investigation by the Office of the Chief
138 Medical Examiner is required pursuant to § 32.1-283 or 32.1-285.1 or (ii) cremate or bury at sea a body
139 until he has obtained permission of the Office of the Chief Medical Examiner as required by
140 § 32.1-309.3.

141 B. Except as provided in § 32.1-301 and Chapter 8.1 (§ 32.1-309.1 et seq.) of Title 32.1, funeral
142 service establishments shall not accept a dead human body from any public officer, except the Chief
143 Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to
144 § 32.1-282, or from any public or private facility or person having a professional relationship with the
145 decedent without having first inquired about the desires of the next of kin and the persons liable for the
146 funeral expenses of the decedent. The authority and directions of any next of kin shall govern the
147 disposal of the body, subject to the provisions of ~~§ 54.1-2807.01~~ or 54.1-2825.

148 Any funeral service establishment violating this subsection shall not charge for any service delivered
149 without the directions of the next of kin. However, in cases of accidental or violent death, the funeral
150 service establishment may charge and be reimbursed for the removal of bodies and rendering necessary
151 professional services until the next of kin or the persons liable for the funeral expenses have been
152 notified.

153 C. No company, corporation, or association engaged in the business of paying or providing for the
154 payment of the expenses for the care of the remains of deceased certificate holders or members or
155 engaged in providing life insurance when the contract might or could give rise to an obligation to care
156 for the remains of the insured shall contract to pay or pay any benefits to any licensee of the Board or
157 other individual in a manner which could restrict the freedom of choice of the representative or next of
158 kin of a decedent in procuring necessary and proper services and supplies for the care of the remains of
159 the decedent.

160 D. No person licensed for the practice of funeral service or preneed funeral planning or any of his
161 agents shall interfere with the freedom of choice of the general public in the choice of persons or
162 establishments for the care of human remains or of preneed funeral planning or preneed funeral
163 contracts.

164 E. This section shall not be construed to apply to the authority of any administrator, executor,
165 trustee, or other person having a fiduciary relationship with the decedent.

166 **§ 54.1-2825. Person to make arrangements for funeral and disposition of remains.**

167 A. Any person may *provide written instructions, in a signed and notarized writing or in a valid*
168 *preneed funeral contract, the location, manner, and conditions of disposition of his remains upon his*
169 *death. No person shall cancel or substantially revise such written instructions unless authorized to do so*
170 *in the writing or contract. Additionally, any person may designate in a signed and notarized writing,*
171 *which has been accepted in writing by the person so designated, an individual who shall make*
172 *arrangements and be otherwise responsible for his funeral and the disposition of his remains, including*
173 *cremation, interment, entombment, or memorialization, or some combination thereof, upon his death.*
174 *Such designee shall have priority over all persons otherwise entitled to make such arrangements,*
175 *provided that a copy of the signed and notarized writing is provided to the funeral service establishment*
176 *and to the cemetery, if any, no later than 48 hours after the funeral service establishment has received*
177 *the remains. Nothing in this section shall preclude any next of kin from paying any costs associated*
178 *with any funeral or disposition of any remains, provided that such payment is made with the*
179 *concurrence of any person designated to make arrangements.*

180 B. In cases in which a person has designated in a U.S. Department of Defense Record of Emergency
181 Data (DD Form 93) or any successor form an individual to make arrangements for his funeral and

182 disposition of his remains, and such person dies while serving in any branch of the United States Armed
183 Forces as defined in 10 U.S.C. § 1481, such designee shall be responsible for making such
184 arrangements.

185 *C. Except as provided in subsection D, the right to control the disposition of the remains of a*
186 *decedent, the location, manner, and condition of disposition, and the arrangements for funeral goods*
187 *and services to be provided shall rest with the following persons, provided that such person is 18 years*
188 *of age or older, in the priority order listed:*

189 *1. A person designated by the decedent in accordance with subsection A or, if relevant, subsection B.*

190 *2. The surviving spouse.*

191 *3. The sole surviving child of the decedent or, if there is more than one child of the decedent, the*
192 *majority of the surviving children. However, fewer than a majority of the surviving children shall be*
193 *vested with the rights of this section if an attempt was made to notify all other surviving children of*
194 *their instructions and are not aware of any opposition to those instructions on the part of a majority of*
195 *all surviving children.*

196 *4. The surviving parent or parents of the decedent. If one of the surviving parents is absent, the*
197 *remaining parent shall be vested with the rights and duties of this section after an attempt has been*
198 *unsuccessful in locating the absent surviving parent.*

199 *5. The surviving sibling of the decedent or, if there is more than one sibling of the decedent, the*
200 *majority of the surviving siblings. However, fewer than a majority of the surviving siblings shall be*
201 *vested with the rights of this section if an attempt was made to notify all other surviving siblings of*
202 *their instructions and are not aware of any opposition to those instructions on the part of a majority of*
203 *all surviving siblings.*

204 *6. The surviving grandparent of the decedent or, if there is more than one surviving grandparent of*
205 *the decedent, the majority of the surviving grandparents. However, fewer than a majority of the*
206 *surviving grandparents shall be vested with the rights of this section if an attempt was made to notify*
207 *all other surviving grandparents of their instructions and are not aware of any opposition to those*
208 *instructions on the part of a majority of all surviving grandparents.*

209 *7. The surviving grandchild of the decedent or, if there is more than one surviving grandchild of the*
210 *decedent, the majority of the surviving grandchildren. However, fewer than a majority of the surviving*
211 *grandchildren shall be vested with the rights of this section if an attempt was made to notify all other*
212 *surviving grandchildren of their instructions and are not aware of any opposition to those instructions*
213 *on the part of a majority of all surviving grandchildren.*

214 *8. The guardian of the decedent at the time of death.*

215 *9. The personal representative of the estate of the decedent.*

216 *10. The person in the classes of the next degree of kinship, in descending order, under the laws of*
217 *descent and distribution to inherit the estate of the decedent. If there is more than one person of the*
218 *same degree, any person of that degree may exercise the right of disposition.*

219 *11. Any representative of the Commonwealth or one of its political subdivisions that has the statutory*
220 *obligation to provide for the disposition of the remains of the decedent.*

221 *12. Any other person who is willing to assume the responsibilities to act and arrange the final*
222 *disposition of the decedent's remains, including the funeral director with custody of the body after*
223 *attesting in writing that a good faith effort has been made to contact the individuals under subdivisions*
224 *1 through 11 and no person willing to assume the right of disposition has been located.*

225 *An attempt to locate or notify a person described in subdivisions three through seven shall be made*
226 *in good faith. An attempt to contact such a person at his last known address, telephone number, email*
227 *address, or known social media accounts shall be considered in good faith.*

228 *D. A person entitled under this section to the right of disposition shall forfeit that right, and the*
229 *right shall be passed on to the next qualifying person as listed in subsection C, under the following*
230 *circumstances:*

231 *1. Such person is charged with first or second degree murder or voluntary manslaughter in*
232 *connection with the decedent's death, and such charges are known to the funeral director, provided,*
233 *however, that if the charges are dropped, or if such person is acquitted of the charges prior to final*
234 *disposition, the right of disposition is restored.*

235 *2. Such person does not exercise his right of disposition within 48 hours of notification of the death*
236 *of the decedent or within 72 hours of the decedent's death, whichever is earlier.*

237 *3. Such person possesses the right of disposition but is unwilling to assume the liability for the costs*
238 *of such arrangement and disposition if sufficient resources are not available in the decedent's estate to*
239 *pay such costs.*

240 *4. Such person and the decedent are spouses and a petition to dissolve the marriage was pending at*
241 *the time of decedent's death.*

242 *5. The circuit court determines that such person and the decedent were estranged at the time of*
243 *death. For purposes of this subdivision, "estranged" means a physical and emotional separation from*

244 the decedent for a period of time that clearly demonstrates an absence of due affection, trust, and
 245 regard for the decedent.

246 E. Notwithstanding the foregoing, the circuit court where the decedent resided at the time of his
 247 death may award the right of disposition to the person determined by the court to be the most fit and
 248 appropriate to carry out the right of disposition and may make the decisions regarding the decedent's
 249 remains if those sharing the right of disposition cannot agree. If the persons holding the right of
 250 disposition are two or more persons with the same relationship to the decedent, and they cannot, by
 251 majority agreement, make a decision regarding the disposition of the decedent's remains, any of such
 252 persons or a licensed funeral establishment with custody of the remains may file a petition asking the
 253 circuit court to make a determination in the matter. In making its determination, circuit court shall
 254 consider the following:

- 255 1. The reasonableness and practicality of the proposed funeral arrangements and disposition.
- 256 2. The degree of the personal relationship between the decedent and each of the persons claiming
 257 the right of disposition.
- 258 3. The desires of the person who is ready, willing, and able to pay the cost of the funeral
 259 arrangements and disposition.
- 260 4. The convenience and needs of other family members and friends wishing to pay respects.
- 261 5. The desires of the decedent.
- 262 6. The degree to which the funeral arrangements would allow maximum participation by all wishing
 263 to pay respect.

264 F. In the event of a dispute regarding the right of disposition, a licensed funeral establishment is not
 265 liable for refusing to accept the remains or to inter or otherwise dispose of the remains of the decedent
 266 or complete the arrangements for the final disposition of the remains until the licensed funeral
 267 establishment receives a court order or other written agreement signed by the parties in the
 268 disagreement that decides the final disposition of the remains. If the licensed funeral establishment
 269 retains the remains for final disposition while the parties are in disagreement, the licensed funeral
 270 establishment may embalm or refrigerate and shelter the body, or both, in order to preserve it while the
 271 final decision of the circuit court is pending and may add the cost of such to the final disposition costs.
 272 If a licensed funeral establishment brings an action under this section, the licensed funeral establishment
 273 may add the legal fees and court costs associated with such action to the cost of final disposition. The
 274 provisions of this section shall not be construed to require a licensed funeral establishment to bring an
 275 action under the section. No licensed funeral establishment or its employees shall be held criminally or
 276 civilly liable for not exercising the right to bring an action under this section.

277 G. Except to the degree it may be considered by the circuit court under subsection E, the fact that a
 278 person has paid or agreed to pay for all or part of the funeral arrangements and the final disposition
 279 does not give that person a greater right to the right of disposition than the person otherwise would
 280 have. The personal representative of the estate, does not, by virtue of being the personal representative
 281 of the estate of the decedent, have a greater claim to the right of disposition than the person otherwise
 282 would have.

283 H. Any person signing a funeral service agreement, cremation authorization form, or any other
 284 authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein,
 285 including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed
 286 of, and the party's authority to order such disposition. A licensed funeral establishment or registered
 287 crematory shall have the right to rely on such funeral service contract or authorization and shall have
 288 the authority to carry out the instructions of the person whom the licensed funeral establishment
 289 reasonably believes holds the right of disposition. The licensed funeral establishment shall have no
 290 responsibility to contact or to independently investigate the existence of any next of kin or relative of the
 291 decedent. If there is more than one person in a class who are equal in priority and the licensed funeral
 292 establishment has no knowledge of any objection by other members of such class, the licensed funeral
 293 establishment or registered crematory shall be entitled to rely on and act according to the instructions
 294 of the first such person in the class to make funeral and disposition arrangements, provided that no
 295 other person in such class provides written notice of his objections to the licensed funeral establishment
 296 within the time frame laid out in subdivision D 2.

297 I. No licensed funeral establishment, funeral service licensee, registered crematory, or registered
 298 crematory operator who relies in good faith upon the instructions of an individual claiming the right of
 299 disposition shall be subject to criminal or civil liability for negligent infliction of emotional distress or
 300 subject to disciplinary action for carrying out the disposition of the remains in accordance with the
 301 instructions.

302 2. That § 54.1-2807.01 and 54.1-2807.02 of the Code of Virginia are repealed.

19102369D

SENATE BILL NO. 1300

Offered January 9, 2019

Prefiled January 7, 2019

A BILL to amend and reenact § 54.1-2810 of the Code of Virginia, relating to funeral establishments; full time manager requirement; exception; number of calls.

Patron—Edwards

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2810 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2810. Licensure of funeral establishments.

No person shall conduct, maintain, manage or operate a funeral establishment unless a license for each such establishment has been issued by the Board. No license to operate a funeral establishment shall be issued by the Board unless each such funeral establishment has in charge, full time, a person licensed for the practice of funeral service or a licensed funeral director. Applications for funeral establishment licenses shall be made on forms furnished by the Board and filed by the owner or the registered agent of the corporation with the Board.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within 30 days of its expiration. Upon expiration of the license, the Board shall notify each licensee of the provisions of this section. Renewal of a license after the expiration of the 30-day period shall be in the discretion of the Board.

Violations of any provisions of this chapter or any Board regulations by any person, or an officer, agent or employee with the knowledge or consent of any person operating a funeral establishment shall be considered sufficient cause for suspension or revocation of the funeral establishment license.

An operator of a funeral establishment shall not allow any person licensed for the practice of funeral service to operate out of his funeral establishment unless the licensee is the operator or an employee of the operator of a licensed funeral establishment.

If the manager of the funeral service establishment is unable, for any reason, to exercise adequate supervision, direction, management, and control of the funeral establishment, the owner shall designate any funeral service licensee to serve as a temporary manager and notify the Board in writing within 14 days. If such inability of the manager exceeds 90 days or is expected to exceed 90 days, a new manager shall be designated and registered with the Board. At the conclusion of the 90-day period for designation of a new manager, a funeral service establishment which has failed to designate a new manager shall not operate as a funeral service establishment.

When licensing funeral establishments, the Board may grant a hardship waiver from the requirement for a full-time manager licensed for the practice of funeral service or licensed as a funeral director, allowing the operation of two funeral establishments having in charge one full-time person licensed for the practice of funeral service or one licensed funeral director who divides his time between the two funeral establishments. Prior to granting a hardship waiver, the Board shall find that (i) the two establishments have been in operation for at least three years; (ii) the combined average number of funeral calls at the two establishments, as submitted in monthly reports to the Division of Vital Records and Health Statistics of the Virginia Department of Health, over the previous three years is no more than 85 135 per year; and (iii) the distance between the two establishments is 50 miles or less.

Prior to granting a renewal of a license granted under a hardship waiver, the Board shall determine whether the requirements for license renewal under such waiver continue to exist.

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Recommendations from
Regulatory Advisory
Panel - Preneed Funeral
Planning

Substance of Changes recommended by the Regulatory Advisory Panel
18VAC65-30-10 et seq.
Regulations for Preneed Funeral Planning

The Regulatory Advisory Panel convened to review all provisions of Chapter 30. Pursuant to its periodic review of regulations, the RAP recommended that the Board consider the following amendments:

18VAC65-30-10. Definitions.

- Remove definition of “capper, steerer, or shill” as those terms are no longer used.

18VAC65-30-50. Solicitation.

- Clarify that registered funeral service interns are not allowed to engage in funeral preneed planning and/or sales.

18VAC65-30-60. Records; general.

- For consistency with record retention requirements for other funeral-related documents, change in the requirement that preneed contracts and reporting documents be maintained on the premises of the establishment for three years after the death of the contract beneficiary.

18VAC65-30-70. Record reporting.

- In (A)(4), the alphabetical or chronological listing of all preneed contracts should also include where the contract is funded (e.g. name of insurance provider)/where the funds are maintained in addition to the existing requirement of how the contract is funded.
- In (B), consider requiring notification to the board and the existing contract buyer(s) when a contract provider changes ownership. Any notification should include any name/address change and whether the new establishment intends to honor or dishonor existing contracts.
- Consider whether notification regarding change of ownership is to each individual contract buyer or by public notification means.
- Consider addition of requirement that the contract provider who discontinues business operations provide a current list of preneed contracts to the board at the time of closure.

18VAC65-30-90. Disclosures.

- Consider a requirement for licensees to obtain acknowledgement from contract buyers that they have received the general price list and preneed disclosure questions and answers.

18VAC65-30-110. Cancellation or transfer of contract.

- Consider whether reference to Virginia Code § 64.2-730 appropriate in (D).

18VAC65-30-180. Life insurance or annuity.

- Consider whether reference to Virginia Code § 54.1-2820(C) is appropriate in first paragraph.

18VAC65-30-220. Content of preneed contracts.

- Review overall content of contract requirements for accuracy and clarification of language.
- Clarify language related to “guaranteed” prices/services/goods to avoid confusion for consumers.
- Change reference to Virginia Funeral Director to Virginia Funeral Service Licensee to accurately reflect licensure type.

18VAC65-30-230. Content of disclosure statements.

- Review overall content of disclosure statements for accuracy and clarity for contract buyers/consumers, as well as compliance with federal FTC regulations.
- Clarify language and/or further explanation related to “guaranteed” prices/services/goods to avoid confusion for contract buyers/consumers.
- Consider addition of language to encourage contract buyer/consumer to maintain a copy of the preneed contract as they would any legal document (e.g. safe place, provide to family member, etc.).
- Consider addition of language to explain what happens if a funeral home closes or changes ownership and what impact that change may have on a contract buyer’s/consumer’s choice.

Recommendations from Ad Hoc Committee on Internships

**Substance of Changes recommended by the Ad Hoc Committee on
Internships
18VAC65-40-10 et seq.
Regulations for the Funeral Service Internship Program**

The Board intends to make the changes to regulations that were identified in the NOIRA published on August 6, 2018 and incorporated into this NOIRA. The changes include: 1) amendment to 18VAC65-40-130 (A) to indicate training should be completed within not less than 18 months nor more than 60 months, and that the Board would only consider extensions for extenuating circumstances; 2) requirement for supervisors to register for supervision of each funeral service intern with an expiration for the registration of 60 months or at the completion of the intern's training, whichever occurs first in order to allow the Board to track active supervisors and make sure supervisors are in good standing; and 3) addition of a regulation requiring that interns be identified to the public as interns in titles, correspondence, and communications with the public.

In addition, the Ad Hoc Committee convened to conduct a periodic review of intern regulations recommended edits to several sections and the following changes:

18VAC65-40-90: Renewal of Registration

Clarification that a notice of renewal also can be transmitted electronically, consistent with legislation that became effective on July 1, 2018

18VAC65-40-130: Funeral Service Internship

Consider a reduction in the number of required hours for an internship; the Board will review requirements in other states in comparison with hours required in Virginia

18VAC65-40-250: Requirements for Supervision

Specify that supervision must be provided under a funeral service licensee with an unrestricted license and also consider approval of approval of supervisors with previous board action within the previous three years on a case-by-case basis.

18VAC65-40-320: Reports to the board; six month report; partial report

Consider removal of language related to deduction of credit hours for late intern reports in 18VAC65-40-320(B)(2).

18VAC65-40-330: Failure to submit a training report

Change language to clarify that an intern may not receive credit for training if they fail to submit a training report, rather than forfeiting partial credit for training.

18VAC65-40-640: Disciplinary action

Clarify that disciplinary action may be imposed for failure to comply with *the statutes* or regulations of the Board of Funeral Directors and Embalmers.

Guidance Documents

Review of Guidance Documents for Re-adoption

Virginia Board of Funeral Directors and Embalmers

Aiding and Abetting Unlicensed Practice

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

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

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

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

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Guidance for Granting Internship Extensions

In accordance with **18VAC65-40-130**, the board, for good cause shown, may grant an extension of time for completion of an internship.

The board policy on granting an extension is as follows:

- The intern has to provide the board with a letter explaining the circumstances that have prevented the completion of the program within the specified time. The letter should include the length of time the intern is requesting for the extension. Additionally, the board will require a copy of the intern's current college transcript to review the courses already completed toward the mortuary educational requirement.
- The Board will grant no more than two extensions to an intern.

Guidance Documents

Repeal of Guidance Documents for Embalming and Refrigeration

Virginia Board of Funeral Directors and Embalmers

Permission to Embalm

Virginia Code §54.1-2806 (26) and §54.1-2811.1 (B) state that a dead human body “shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order.”

The Board of Funeral Directors and Embalmers interprets “*express permission by a next of kin*” to mean written authorization *to embalm* as a specific and separate statement on a document or contract provided by the facility. Express permission may include direct, verbal authorization *to embalm*, provided it is followed as soon as possible by a written document signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.

Virginia Board of Funeral Directors and Embalmers

Refrigeration of Dead Human Bodies

Virginia Code §54.1-2811.1 (B) states, “if a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed.”

The Board of Funeral Directors and Embalmers interprets this provision as meaning that if a body is to be in the possession of the funeral home or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body is to be placed in a mechanical refrigeration unit suitable for storing human remains. The Board does not interpret lowering the air conditioning in a storage room to 40 degrees or packing the body in ice or dry ice as meeting the statutory requirement.

The Board would view evidence of compliance with Virginia Code §54.1-2811.1 (B) as a working refrigeration unit in the funeral home or crematory or a letter of agreement/contract with another funeral establishment, hospital, or morgue to allow the funeral home or crematory to refrigerate in its refrigeration unit. The Board would view evidence of the body being “maintained in refrigeration” as log entries indicating times of placement and removal of a body in refrigeration.

Revisions to Inspection Reports

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804-367-4400

		Date	Time	Inspection Hours
Name of Funeral Establishment or Branch	<input type="checkbox"/> Establishment: License No 0501	<input type="checkbox"/> PENDING	Exp:	
	<input type="checkbox"/> Branch: License No 0511	<input type="checkbox"/> PENDING	Exp:	
Street Address	City	State VIRGINIA	ZIP	Telephone
Manager	License No: 0502	Expiration Date	Fax	
Type of Inspection <input type="checkbox"/> New/COL <input type="checkbox"/> Routine <input type="checkbox"/> Reinspection <input type="checkbox"/> Change of Owner <input type="checkbox"/> Other (Describe)				Email
Prep Room On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No		Original Preneed Contracts On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Deficiencies Identified

C = Compliant NC = Not Compliant R = Repeat Citation N/A = Not Applicable or Not Reviewed

ESTABLISHMENT LICENSE & MANAGER OF RECORD				
C	NC	R	NA	LAW/REGULATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2800
FOR NEW OR CHANGE OF LOCATION INSPECTIONS ONLY: A Certificate of Occupancy (CO) issued by the local building official. (The Board needs a copy of the CO)				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-50
Each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-50
The establishment license shall be posted in a place conspicuous to consumers of funeral services.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-170
Except as provided in §54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as prescribed in 18VAC65-20-171.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-171
Every funeral establishment shall have a manager of record who is employed full time by and in charge of the establishment. The manager shall be fully accountable for the operation of the establishment. The MOR's duties include but are not limited to:				
<ul style="list-style-type: none"> • Maintenance of facility • Retention of reports and documents as prescribed by the board in 18VAC65-20-700 • Reporting to the board of any changes in information as required by 18VAC65-20-60 				
STANDARDS FOR EMBALMING				
C	NC	R	NA	LAW/REGULATION
EMBALMING REPORT & DOCUMENTATION OF EMBALMING				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-510
Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:				
<ol style="list-style-type: none"> 1. The name of the deceased and the date of death; 2. The date and location of the embalming; 3. The name and signature of the embalmer and the Virginia license number of the embalmer; and 4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor. 				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1
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.				
PREPARATION ROOM REQUIREMENTS				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540
Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540
All functions connected with embalming shall be performed within the preparation room.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540
The following are required of the preparation room or rooms:				
<ol style="list-style-type: none"> 1. The walls shall extend floor to ceiling; 2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and 3. The material shall extend from wall to wall with all joints tight and sanitary. 				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570
The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.				

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STANDARDS FOR EMBALMING					
C	NC	R	NA	LAW / REGULATION	CONDITIONS OF PREPARATION ROOM
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.
C	NC	R	NA	LAW / REGULATION	PREPARATION ROOM EQUIPMENT
					The preparation room or rooms shall be equipped with:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A ventilation system which operates and is appropriate to the size and function of the room
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Running hot and cold water
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Flush or slop sink connected with public sewer or with septic tank where no public sewer is available
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Metal, fiberglass or porcelain morgue table
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Covered waste container
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Instruments and apparatus for the embalming process
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A means or method for the sterilization of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Disinfectants and antiseptic solutions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Clean gowns or aprons, preferably impervious to water
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Rubber gloves for each embalmer or intern using the room
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	An electric aspirator or hydroaspirator equipped with a vacuum breaker
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	An eye wash station that is readily accessible
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A standard first aid kit which is immediately accessible, either in the preparation room or outside the door to the preparation room
C	NC	R	NA	LAW / REGULATION	DISPOSAL OF WASTE MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-590	Disposal of all waste materials shall be in conformity with local, state, and federal law and regulations to avoid contagion and the possible spread of disease. Upon inspection, the establishment shall provide evidence of compliance, such as a copy of a contract with a medical waste disposal company.
RETENTION OF DOCUMENTS					
C	NC	R	NA	LAW / REGULATION	The following retention schedule shall apply to retention of embalming reports, price lists, and itemized statements:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Price lists shall be retained for three years after the date on which they are no longer effective
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Itemized statements shall be retained for three years from the date on which the arrangements were made
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Embalming reports shall be retained at the location of the embalming for three years after the date of the embalming
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Documents shall be maintained on the premises of the funeral establishment and made available for inspection.
C	NC	R	NA	LAW / REGULATION	HANDLING & STORAGE OF HUMAN REMAINS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	Upon taking custody of a dead human body, a funeral service establishment shall maintain such body in a manner that provides complete coverage of the body and that is resistant to leakage or spillage, except during embalming or preparation of an unembalmed body for final disposition; restoration and dressing of a body in preparation for final disposition; and viewing during any visitation and funeral service.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	If a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed. 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. NOTE: Guidance Document 65-11 Rev 4-13-10: The Board agreed to accept a 10% variance of the required temperature.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	If a dead human body is to be stored for more than 10 days prior to disposition at a location other than a funeral service establishment, the funeral service establishment shall disclose to the contract buyer the location where the body is to be stored and the method of storage.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	Funeral services establishments, crematories, or transportation services shall not transport animal remains together with dead human bodies. Further, animal remains shall not be refrigerated in a unit where dead human bodies are being stored.

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C	NC	R	NA	LAW/REGULATION	STANDARDS FOR REGISTERED CREMATORIES OR FUNERAL ESTABLISHMENTS RELATED TO CREMATION
					Authorization to cremate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to §54.1-2825, an agent named in an advance directive pursuant to §54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person or agent is available.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph signed by the person making the identification.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	In the event visual identification is not feasible, a crematory may use other positive identification of the deceased as a prerequisite for cremation, pursuant to §54.1-2818.1.
					Handling of Human Remains
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	A cremation container shall substantially meet all the following standards: <ul style="list-style-type: none"> • Be composed of readily combustible materials suitable for cremation • Be able to be closed in order to provide complete covering for the human remains • Be resistant to leakage or spillage • Be rigid enough for handling with ease
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container.
DISCLOSURES					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-630	Funeral providers shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in Appendices I, II, and III of this chapter.
GENERAL PRICE LIST					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Caption identifying the list as the General Price List.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Name, address & telephone number of funeral establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Effective date of the pricelist.
					SECTION I – GENERAL INFORMATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Required Disclosure: <i>"The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2806 (24)	"Certain funeral services may be provided off-premises by other funeral service providers."
					SECTION II - PROFESSIONAL SERVICES OF FUNERAL DIRECTOR AND STAFF
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Basic Services of Funeral Director and Staff \$ _____ <i>"This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" OR Please note that a fee of \$_____ for the use of our basic services and overhead is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Our services include: (*Note: List what charge for basic services includes)

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C	NC	R	NA	LAW / REGULATION	SECTION III – FUNERAL HOME FACILITIES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-630 APPENDIX I	Price list includes charge and description for: 1. Facilities and staff for visitation and viewing 2. Facilities and staff for funeral ceremony 3. Facilities and staff for memorial service 4. Equipment and staff for graveside service
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	(*Note: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff per person or through calculation of manhours, etc., add here as extra items. If you have a charge for interment, add here. Describe what charges include.)
C	NC	R	NA	LAW / REGULATION	SECTION IV - EMBALMING
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	"Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Embalming charge for normal and autopsy remains. (*Note: If the cost for embalming is the same for normal and autopsied remains, only one price may be listed)
C	NC	R	NA	LAW / REGULATION	SECTION V - OTHER PREPARATION OF THE DECEASED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Description and price of other preparation if provided. (*Note: List below each preparation service that you offer and the price. If you do not charge for other preparation, remove this section.)
C	NC	R	NA	LAW / REGULATION	SECTION VI – IMMEDIATE BURIAL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Price range for immediate burial and what is included in the charge. (*Note: A price <u>range</u> must be given for this service. Your prices should range from your immediate burial package with container provided by purchaser to your immediate burial package plus your most expensive casket.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Our charges include: (*Note: List under each category what the charge includes) <ul style="list-style-type: none"> • Immediate burial with container provided by purchaser • Immediate burial with lowest priced alternative container (*Note: If an alternative container is not offered, this line item may be omitted; if an alternative container is offered, include a brief description.)
C	NC	R	NA	LAW / REGULATION	SECTION VII – DIRECT CREMATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Price range for direct cremation and what is included in the charge. Note: A price range must be given for a direct cremation. Your prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the highest priced casket acceptable for cremation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	<i>"State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are [specify containers]."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Describe the services included for each category listed below. <ul style="list-style-type: none"> • Direct cremation with container provided by the purchaser. • Direct cremation with each alternative container specified in the disclosure (*A price and description for alternative container should be provided)
C	NC	R	NA	LAW / REGULATION	SECTION VIII - TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Charge and description for transfer of remains to a funeral establishment. (*Note: This is added only when it is <u>not</u> included under professional services. You must explain what this charge includes if listed separately.)
C	NC	R	NA	LAW / REGULATION	SECTION IX - FORWARDING REMAINS TO ANOTHER FUNERAL ESTABLISHMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Charge and description for forwarding remains to another funeral establishment.
C	NC	R	NA	LAW / REGULATION	SECTION X - RECEIVING REMAINS FROM ANOTHER FUNERAL ESTABLISHMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Charge and description for receiving remains from another funeral establishment.

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C	NC	R	NA	LAW / REGULATION	SECTION XI - AUTOMOTIVE EQUIPMENT AND SERVICES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-630 APPENDIX I	Charge and description for automotive equipment and services (*Note: Specify a range of miles for local service. If a fee is charged beyond local miles, please specify the fee per mile. The cost of any vehicle that you must rent should be included on the itemized statement as a cash advance item.) <ul style="list-style-type: none"> • Use of hearse • Use of limousine • Other automotive equipment and services (*Note: You should provide a description and price for each automotive equipment and service listed.)
C	NC	R	NA	LAW / REGULATION	SECTION XII – FUNERAL MERCHANDISE
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Caskets: Price range and "A complete price list will be provided at the funeral establishment."
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Outer Burial Container: Price range and "A complete price list will be provided at the funeral establishment."
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Other Funeral Merchandise: (*Note: List all other merchandise that you offer including acknowledgment cards, register book, memorial folders, etc. and include the price.)
C	NC	R	NA	LAW / REGULATION	CASKET PRICE LIST OUTER BURIAL CONTAINER PRICE LIST (If not included in the general Price List)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Effective date of Casket Price List
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Effective date of Outer Burial Container Price List
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Name, address & telephone number of funeral establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Caption identifying price list as casket or Outer Burial Container Price list.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Price Lists include manufacturer, price of casket, and sufficient information to describe the casket, alternative container, or outer burial container.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Outer Burial Price Container List includes the statement: <i>State or local law does not require you to buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.</i> NOTE: If the funeral home services a locality that has an ordinance requiring an outer burial container in its cemeteries, this disclosure should start with the phrase, "In most areas of the country,".
C	NC	R	NA	LAW / REGULATION	ITEMIZED STATEMENT OF FUNERAL GOODS AND SERVICES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Itemized Statement is provided to the party contracting for funeral arrangements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Name, address & telephone number of funeral establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Itemized Statement is signed by Licensed Funeral Director or Funeral Service Provider and party contracting for funeral arrangements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming that you did not approve if you selected arrangements such as direct cremation or immediate burial. If we charged for embalming, we will explain why below."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"We charge you for our services in obtaining:"</i> (List each cash advance item. If you do not charge for your services and do not receive a commission or rebate from the third party, you do not have to use this disclosure.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reason in writing below:"</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty if any, granted by the manufacturer. This Funeral Home makes no warranty, express or implied, with respect to the casket or outer burial container."</i>
C	NC	R	NA	LAW / REGULATION	PRENEED RECORDS - GENERAL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-60	Preneed contracts and reporting documents shall be retained on the premises of the establishment for one year after the death of the contract beneficiary
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-60	All preneed records shall be available for inspection by the Department of Health Professions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-70	A contract provider shall keep a chronological or alphabetical listing of all preneed contracts. The listing shall include the following: <ol style="list-style-type: none"> 1. Name of contract buyer; 2. Name of contract beneficiary; 3. Date of contract; 4. How contract was funded; 5. Whether up to 10% of funds are retained by the contract provider for contracts funded through trust; and 6. Whether funeral goods and supplies are stored for the contract buyer.

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C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-80	In addition to requirements of §54.1-2820 of the Code of Virginia, the contract shall contain the following: 1. The date of the contract; 2. Whether or not the price of the supplies and services purchased is guaranteed; 3. The appointee agreement when applicable; and 4. Signatures of the contract seller and the contract buyer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820	It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract: 1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style. 2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer 3. Contains a complete description of the supplies or services purchased 4. Clearly discloses whether the price of the supplies and services purchased is guaranteed; 5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest; 6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints; 7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B of §54.1-2820; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered, together with any interest or income accrued thereon: if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under 54.1-2822, together with any interest or income accrued thereon. 8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted 9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee
C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-200	Supplies & Services: If the contract seller will not be responsible for furnishing the supplies and services to the contract buyer, the contract seller shall attach to the preneed funeral contract a copy of the contract seller's agreement with the contract provider
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820 18VAC65-30-230	Complies with all disclosure requirements imposed by the Board. (Question and answer format required.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-120	Escrow account: Within five banking days after the day of receipt of any money from the contract buyer and until the time the money is invested in a trust, life insurance, or annuity policy, the contract seller or the contract provider shall deposit the money into an escrow account in a bank or savings institution approved to do business in the Commonwealth.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-130	Real Estate 1. The preneed contract shall be recorded as an attachment to the deed whereby the real estate is conveyed; and 2. The deed shall be recorded in the clerk's office in the circuit court of the city or county in which the real estate being conveyed is located.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-140	Personal Property 1. Personal property shall be transferred by: a. Actual delivery of the personal property; or b. Transfer of the title to the personal property. 2. Within 30 days of receiving the personal property or the title to the personal property, the licensee or person delivering the property shall: a. Execute a written declaration of trust setting forth the terms, conditions, and considerations upon which the personal property is delivered; and b. Record the trust agreement in the clerk's office of the circuit court of the locality in which the person delivering the property is living; or c. Record the preneed contract in the clerk's office of the circuit court of the locality in which the person delivering the property or trust agreement is living provided that the preneed contract sets forth the terms, conditions, and considerations of the trust.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820 18VAC65-30-170	States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest If funds are to be trusted , the following information shall be disclosed in writing to the contract buyer: 1. The amount to be trusted; 2. The name of the trustee; 3. The disposition of the interest; 4. The fees, expenses, and taxes which may be deducted from the interest; 5. Whether up to 10% is retained by the contract provider; and 6. A statement of the contract buyer's responsibility for taxes owed on the interest.

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C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS (cont.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		18VAC65-30-180	If a life insurance or annuity policy is used to fund the preneed funeral contract, the contract shall contain the following information: 1. Name of the contract provider; 2. Name and funeral license number of contract seller; 3. Place of employment of contract seller; 4. Name of insurance agent and agent's insurance license number; 5. Insurance agent's employer and insurance company represented by insurance agent; and 6. Identification as to whether the insurance agent is a funeral service licensee and, if so, the funeral service license number.

Comments

Attachments:

GPL
 CPL
 OBCPL
 Itemized Statement
 Preneed list
 Other

 Signature of Inspector

 Signature & Title of Applicant

This facility has been inspected by an inspector of the Department of Health Professions. The results of the inspection have been noted. I acknowledge that the noted conditions have been deemed by the inspector as not being in compliance and have been explained to me.

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804-367-4400

		Date	Time	Inspection Hours
Name of Funeral Establishment or Branch	<input type="checkbox"/> Establishment: License No 0501	<input type="checkbox"/> PENDING	Exp:	
	<input type="checkbox"/> Branch: License No 0511	<input type="checkbox"/> PENDING	Exp:	
Street Address	City	State VIRGINIA	ZIP	Telephone
Manager	License No: 0502	Expiration Date	Fax	
Type of Inspection <input type="checkbox"/> New/COL <input type="checkbox"/> Routine <input type="checkbox"/> Reinspection <input type="checkbox"/> Change of Owner <input type="checkbox"/> Other (Describe)				Email
Prep Room On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No	Original Preneed Contracts On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Deficiencies Identified		

C = Compliant NC = Not Compliant R = Repeat Citation N/A = Not Applicable or Not Reviewed

ESTABLISHMENT LICENSE & MANAGER OF RECORD				
C	NC	R	NA	LAW/REGULATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2800
FOR NEW OR CHANGE OF LOCATION INSPECTIONS ONLY: A Certificate of Occupancy (CO) issued by the local building official. (The Board needs a copy of the CO)				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-50
Each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-50
The establishment license shall be posted in a place conspicuous to consumers of funeral services.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-170
Except as provided in §54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as prescribed in 18VAC65-20-171.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-171
Every funeral establishment shall have a manager of record who is employed full time by and in charge of the establishment. The manager shall be fully accountable for the operation of the establishment. The MOR's duties include but are not limited to:				
<ul style="list-style-type: none"> • Maintenance of facility • Retention of reports and documents as prescribed by the board in 18VAC65-20-700 • Reporting to the board of any changes in information as required by 18VAC65-20-60 				
STANDARDS FOR EMBALMING AND REFRIGERATION				
C	NC	R	NA	LAW/REGULATION
EMBALMING REPORT, DOCUMENTATION OF EMBALMING, REFRIGERATION REQUIREMENTS				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-510
Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:				
<ol style="list-style-type: none"> 1. The name of the deceased and the date of death; 2. The date and location of the embalming; 3. The name and signature of the embalmer and the Virginia license number of the embalmer; and 4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor. 				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1
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.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-510
Express permission by next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal authorization to embalm, provided it is followed as soon as possible by a written document or statement signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.				

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C	NC	R	NA	LAW / REGULATION	PREPARATION ROOM REQUIREMENTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540	Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540	All functions connected with embalming shall be performed within the preparation room.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540	The following are required of the preparation room or rooms: 1. The walls shall extend floor to ceiling; 2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and 3. The material shall extend from wall to wall with all joints tight and sanitary.
C	NC	R	NA	LAW / REGULATION	CONDITIONS OF PREPARATION ROOM
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.
C	NC	R	NA	LAW / REGULATION	PREPARATION ROOM EQUIPMENT
					The preparation room or rooms shall be equipped with:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A ventilation system which operates and is appropriate to the size and function of the room
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Running hot and cold water
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Flush or slop sink connected with public sewer or with septic tank where no public sewer is available
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Metal, fiberglass or porcelain morgue table
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Covered waste container
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Instruments and apparatus for the embalming process
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A means or method for the sterilization of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Disinfectants and antiseptic solutions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Clean gowns or aprons, preferably impervious to water
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Rubber gloves for each embalmer or intern using the room
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	An electric aspirator or hydroaspirator equipped with a vacuum breaker
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	An eye wash station that is readily accessible
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A standard first aid kit which is immediately accessible, either in the preparation room or outside the door to the preparation room
C	NC	R	NA	LAW / REGULATION	DISPOSAL OF WASTE MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-590	Disposal of all waste materials shall be in conformity with local, state, and federal law and regulations to avoid contagion and the possible spread of disease. Upon inspection, the establishment shall provide evidence of compliance, such as a copy of a contract with a medical waste disposal company.

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				REFRIGERATION, HANDLING, STORAGE OF HUMAN REMAINS	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	Upon taking custody of a dead human body, a funeral service establishment shall maintain such body in a manner that provides complete coverage of the body and that is resistant to leakage or spillage, except during embalming or preparation of an unembalmed body for final disposition; restoration and dressing of a body in preparation for final disposition; and viewing during any visitation and funeral service.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	If a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed. 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. NOTE: Guidance Document 65-11 Rev April 17, 2018: The Board agreed to accept a 10% variance of the required temperature.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-581	If a dead human body is to be in the possession of a funeral establishment or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains. The mechanical refrigeration unit may be located in the funeral establishment or crematory or the funeral home or crematory can enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration. (Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	If a dead human body is to be stored for more than 10 days prior to disposition at a location other than a funeral service establishment, the funeral service establishment shall disclose to the contract buyer the location where the body is to be stored and the method of storage.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	Funeral services establishments, crematories, or transportation services shall not transport animal remains together with dead human bodies. Further, animal remains shall not be refrigerated in a unit where dead human bodies are being stored.
				STANDARDS FOR REGISTERED CREMATORIES OR FUNERAL ESTABLISHMENTS RELATED TO CREMATION	
				Authorization to cremate	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to §54.1-2825, an agent named in an advance directive pursuant to §54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person or agent is available.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph signed by the person making the identification.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	In the event visual identification is not feasible, a crematory may use other positive identification of the deceased as a prerequisite for cremation, pursuant to §54.1-2818.1.
				Handling of Human Remains	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	A cremation container shall substantially meet all the following standards: <ul style="list-style-type: none"> • Be composed of readily combustible materials suitable for cremation • Be able to be closed in order to provide complete covering for the human remains • Be resistant to leakage or spillage • Be rigid enough for handling with ease
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container.
				RETENTION OF DOCUMENTS	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	The following retention schedule shall apply to retention of embalming reports, price lists, and itemized statements:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Price lists shall be retained for three years after the date on which they are no longer effective
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Itemized statements shall be retained for three years from the date on which the arrangements were made
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Embalming reports shall be retained at the location of the embalming for three years after the date of the embalming
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Documents shall be maintained on the premises of the funeral establishment and made available for inspection.
				DISCLOSURES	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-630	

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		Funeral providers shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in Appendices I, II, and III of this chapter.
GENERAL PRICE LIST		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Caption identifying the list as the General Price List.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Name, address & telephone number of funeral establishment.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Effective date of the pricelist.

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C	NC	R	NA	LAW / REGULATION	SECTION I – GENERAL INFORMATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Required Disclosure: "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected."
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2806 (24)	"Certain funeral services may be provided off-premises by other funeral service providers."
C	NC	R	NA	LAW / REGULATION	SECTION II - PROFESSIONAL SERVICES OF FUNERAL DIRECTOR AND STAFF
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Basic Services of Funeral Director and Staff \$ _____ "This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" OR Please note that a fee of \$ _____ for the use of our basic services and overhead is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket."
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Our services include: (*Note: List what charge for basic services includes)
C	NC	R	NA	LAW / REGULATION	SECTION III – FUNERAL HOME FACILITIES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-630	Price list includes charge and description for: 1. Facilities and staff for visitation and viewing 2. Facilities and staff for funeral ceremony 3. Facilities and staff for memorial service 4. Equipment and staff for graveside service
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	(*Note: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff per person or through calculation of manhours, etc., add here as extra items. If you have a charge for interment, add here. Describe what charges include.)
C	NC	R	NA	LAW / REGULATION	SECTION IV - EMBALMING
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	"Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Embalming charge for normal and autopsy remains. (*Note: If the cost for embalming is the same for normal and autopsied remains, only one price may be listed)
C	NC	R	NA	LAW / REGULATION	SECTION V - OTHER PREPARATION OF THE DECEASED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Description and price of other preparation if provided. (*Note: List below each preparation service that you offer and the price. If you do not charge for other preparation, remove this section.)
C	NC	R	NA	LAW / REGULATION	SECTION VI – IMMEDIATE BURIAL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Price range for immediate burial and what is included in the charge. (*Note: A price range must be given for this service. Your prices should range from your immediate burial package with container provided by purchaser to your immediate burial package plus your most expensive casket.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Our charges include: (*Note: List under each category what the charge includes) <ul style="list-style-type: none"> • Immediate burial with container provided by purchaser • Immediate burial with lowest priced alternative container (*Note: If an alternative container is not offered, this line item may be omitted; if an alternative container is offered, include a brief description.)
C	NC	R	NA	LAW / REGULATION	SECTION VII – DIRECT CREMATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Price range for direct cremation and what is included in the charge. Note: A price range must be given for a direct cremation. Your prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the highest priced casket acceptable for cremation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	"State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are [specify containers]."

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<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Describe the services included for each category listed below. <ul style="list-style-type: none"> • Direct cremation with container provider by the purchaser. • Direct cremation with each alternative container specified in the disclosure (*A price and description for alternative container should be provided)
C NC R NA	LAW / REGULATION	SECTION VIII - TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Charge and description for transfer of remains to a funeral establishment. (*Note: This is added only when it is <u>not</u> included under professional services. You must explain what this charge includes if listed separately.)
C NC R NA	LAW / REGULATION	SECTION IX - FORWARDING REMAINS TO ANOTHER FUNERAL ESTABLISHMENT
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Charge and description for forwarding remains to another funeral establishment.
C NC R NA	LAW / REGULATION	SECTION X - RECEIVING REMAINS FROM ANOTHER FUNERAL ESTABLISHMENT
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Charge and description for receiving remains from another funeral establishment.
C NC R NA	LAW / REGULATION	SECTION XI - AUTOMOTIVE EQUIPMENT AND SERVICES
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	18VAC65-20-630 APPENDIX I	Charge and description for automotive equipment and services (*Note: Specify a range of miles for local service. If a fee is charged beyond local miles, please specify the fee per mile. The cost of any vehicle that you must rent should be included on the itemized statement as a cash advance item.) <ul style="list-style-type: none"> • Use of hearse • Use of limousine • Other automotive equipment and services (*Note: You should provide a description and price for each automotive equipment and service listed.)
C NC R NA	LAW / REGULATION	SECTION XII – FUNERAL MERCHANDISE
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Caskets: Price range and "A complete price list will be provided at the funeral home."
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Outer Burial Container: Price range and "A complete price list will be provided at the funeral home."
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Other Funeral Merchandise: (*Note: List all other merchandise that you offer including acknowledgment cards, register book, memorial folders, etc. and include the price.)
C NC R NA	LAW / REGULATION	CASKET PRICE LIST OUTER BURIAL CONTAINER PRICE LIST (If not included in the general Price List)
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX II	Effective date of Casket Price List
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX II	Effective date of Outer Burial Container Price List
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX II	Name, address & telephone number of funeral establishment.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX II	Caption identifying price list as casket or Outer Burial Container Price list.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX II	Price Lists include manufacturer, price of casket, and sufficient information to describe the casket, alternative container, or outer burial container.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX II	Outer Burial Price Container List includes the statement: <i>State or local law does not require you to buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.</i> NOTE: If the funeral home services a locality that has an ordinance requiring an outer burial container in its cemeteries, this disclosure should start with the phrase, "In most areas of the country."

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C	NC	R	NA	LAW / REGULATION	ITEMIZED STATEMENT OF FUNERAL GOODS AND SERVICES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Itemized Statement is provided to the party contracting for funeral arrangements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Name, address & telephone number of funeral establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Itemized Statement is signed by Licensed Funeral Director or Funeral Service Provider and party contracting for funeral arrangements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming that you did not approve if you selected arrangements such as direct cremation or immediate burial. If we charged for embalming, we will explain why below."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"We charge you for our services in obtaining:" (List each cash advance item. If you do not charge for your services and do not receive a commission or rebate from the third party, you do not have to use this disclosure.)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reason in writing below:"</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty if any, granted by the manufacturer. This Funeral Home makes no warranty, express or implied, with respect to the casket or outer burial container."</i>
C	NC	R	NA	LAW / REGULATION	PRENEED RECORDS - GENERAL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-60	Preneed contracts and reporting documents shall be retained on the premises of the establishment for one year after the death of the contract beneficiary
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-60	All preneed records shall be available for inspection by the Department of Health Professions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-70	A contract provider shall keep a chronological or alphabetical listing of all preneed contracts. The listing shall include the following: 1. Name of contract buyer; 2. Name of contract beneficiary; 3. Date of contract; 4. How contract was funded; 5. Whether up to 10% of funds are retained by the contract provider for contracts funded through trust; and 6. Whether funeral goods and supplies are stored for the contract buyer.
C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-80	In addition to requirements of §54.1-2820 of the Code of Virginia, the contract shall contain the following: 1. The date of the contract; 2. Whether or not the price of the supplies and services purchased is guaranteed; 3. The appointee agreement when applicable; and 4. Signatures of the contract seller and the contract buyer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820	It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract: 1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style. 2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer 3. Contains a complete description of the supplies or services purchased 4. Clearly discloses whether the price of the supplies and services purchased is guaranteed; 5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest; 6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints; 7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B of §54.1-2820; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered, together with any interest or income accrued thereon: if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under 54.1-2822, together with any interest or income accrued thereon. 8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted 9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee

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C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-200	Supplies & Services: If the contract seller will not be responsible for furnishing the supplies and services to the contract buyer, the contract seller shall attach to the preneed funeral contract a copy of the contract seller's agreement with the contract provider
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820 18VAC65-30-230	Complies with all disclosure requirements imposed by the Board. (Question and answer format required.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-120	Escrow account: Within five banking days after the day of receipt of any money from the contract buyer and until the time the money is invested in a trust, life insurance, or annuity policy, the contract seller or the contract provider shall deposit the money into an escrow account in a bank or savings institution approved to do business in the Commonwealth.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-130	Real Estate 1. The preneed contract shall be recorded as an attachment to the deed whereby the real estate is conveyed; and 2. The deed shall be recorded in the clerk's office in the circuit court of the city or county in which the real estate being conveyed is located.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-140	Personal Property 1. Personal property shall be transferred by: a. Actual delivery of the personal property; or b. Transfer of the title to the personal property. 2. Within 30 days of receiving the personal property or the title to the personal property, the licensee or person delivering the property shall: a. Execute a written declaration of trust setting forth the terms, conditions, and considerations upon which the personal property is delivered; and b. Record the trust agreement in the clerk's office of the circuit court of the locality in which the person delivering the property is living; or c. Record the preneed contract in the clerk's office of the circuit court of the locality in which the person delivering the property or trust agreement is living provided that the preneed contract sets forth the terms, conditions, and considerations of the trust.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820 18VAC65-30-170	States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest If funds are to be trusted , the following information shall be disclosed in writing to the contract buyer: 1. The amount to be trusted; 2. The name of the trustee; 3. The disposition of the interest; 4. The fees, expenses, and taxes which may be deducted from the interest; 5. Whether up to 10% is retained by the contract provider; and 6. A statement of the contract buyer's responsibility for taxes owed on the interest.
C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS (cont.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-180	If a life insurance or annuity policy is used to fund the preneed funeral contract, the contract shall contain the following information: 1. Name of the contract provider; 2. Name and funeral license number of contract seller; 3. Place of employment of contract seller; 4. Name of insurance agent and agent's insurance license number; 5. Insurance agent's employer and insurance company represented by insurance agent; and 6. Identification as to whether the insurance agent is a funeral service licensee and, if so, the funeral service license number.

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Comments:

Revised

Attachments:

- GPL CPL OBCPL Itemized Statement Preneed list Other

Signature of Inspector

Signature & Title of Applicant

This facility has been inspected by an inspector of the Department of Health Professions. The results of the inspection have been noted. I acknowledge that the noted conditions have been deemed by the inspector as not being in compliance and have been explained to me.

Virginia Department of Health Professions
 Perimeter Center * 9960 Mayland Drive * Henrico, VA 23233
 Telephone: 804.367.4400 Enforcement Division: 804.367.4691
 www.dhp.virginia.gov

Board of Funeral Directors and Embalmers
CREMATORY INSPECTION REPORT

	Date	Time	Inspection Hours	
Name of Crematory	Registration No 0510	<input type="checkbox"/> PENDING	Expiration Date	
Street Address	City	State VIRGINIA	ZIP	
Crematory Manager				
Name of Funeral Establishment (If Applicable)	License No 0501	<input type="checkbox"/> PENDING	Expiration Date	
Street Address	City	State VIRGINIA	ZIP	
Type of Inspection <input type="checkbox"/> New <input type="checkbox"/> Routine <input type="checkbox"/> Reinspection <input type="checkbox"/> Other (Describe)				
* = New Inspection C = Compliant NC = Not Compliant N/A = Not Applicable or Not Reviewed				

Code/Regulation C NC NA Inspection Item

Registration of Crematories

- * 65-20-435 (B) Every crematory, regardless of how owned, shall have a manager of record who has:
 - (i) achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board and
 - (ii) received training in compliance with standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and blood-borne pathogens.

- * 65-20-435 (D) All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board.

- * 65-20-435 (D) Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months.

- * 65-20-435 (E) A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.

Authorization to Cremate

- 65-20-436 (A) A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to §54.1-2825, an agent named in an advance directive pursuant to §54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person or agent is available.

- 65-20-436 (A) The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph signed by the person making the identification.

Code/Regulation	C	NC	NA	Inspection Item
65-20-436 (A)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
65-20-436 (A)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the event visual identification is not feasible, a crematory may use other positive identification of the deceased as a prerequisite for cremation, pursuant to §54.1-2818.1.
Standards for Cremation				
* 65-20-436 (B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).
65-20-436 (B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.
65-20-436 (B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A crematory shall not cremate the human remains of more than one person simultaneously in the same retort, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.
65-20-436 (B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.
65-20-436 (B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Whenever a crematory is unable to cremate the remains within 24 hours upon taking custody thereof, the crematory shall maintain the remains in refrigeration at approximately 40 degrees Fahrenheit or less, unless the remains have been embalmed.
Handling of Human Remains				
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A cremation container shall substantially meet all the following standards: a. Be composed of readily combustible materials suitable for cremation b. Be able to be closed in order to provide complete covering for the human remains c. Be resistant to leakage or spillage d. Be rigid enough for handling with ease
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No crematory shall require that human remains be placed in a casket before cremation nor shall it require that the cremains be placed in a cremation urn, cremation vault or receptacle designed to permanently encase the cremains after cremation.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cremated remains shall be placed in a plastic bag inside a rigid container provided by the crematory or by the next-of-kin for return to the funeral establishment or to the next-of-kin.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next-of-kin so authorized in writing.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The crematory operator shall verify the identification on the remains with the identification attached to the cremation container and with the identification attached to the cremation authorization.
65-20-436 (C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

Code/Regulation C NC NA Inspection Item

Recordkeeping

65-20-436 (D) A crematory shall maintain the records of cremation for a period of three years from the date of the cremation that indicate the name of the decedent, the date and time of the receipt of the body, and the date and time of the cremation.

65-20-436 (D) Cremation records shall include:
 1. The cremation authorization form signed by the person authorized by law to dispose of the remains and the form on which the next-of-kin or the person authorized by §54.1-2818.1 to make the identification has made a visual identification of the deceased or evidence of positive identification, if visual identification is not feasible
 2. The permission form from the medical examiner
 3. The DEQ permit number of the retort used for the cremation and the name of the retort operator
 4. The form verifying the release of the cremains, including date and time of release, the name of the person and the entity to whom the cremains were released and the name of the decedent

Comments

Signature of Inspector

Signature & Title of Applicant

This facility has been inspected by an inspector of the Department of Health Professions. The results of the inspection have been noted. I acknowledge that the noted conditions have been deemed by the inspector as not being in compliance have been explained to me and that I have received a copy of the inspection report.

Approval of Revisions
to Appendix I of
Board's Regulations
(18VAC65-20-10 et seq.)

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Perimeter Center

9960 Mayland Drive, Suite 300 – Henrico, Virginia 23233-1463

E-Mail: FanBd@dhp.virginia.gov Website: www.dhp.virginia.gov Phone: 804-367-4479

APPENDIX I

GENERAL PRICE LIST

Note to Establishments: The following General Price List has been prepared as a guideline. All General Price Lists must contain at least the following content if you offer the goods and services for sale at your establishment. You may use any format arrangement you choose and may add to this information to fit your establishment's services.

This sample form has notes throughout that are for your information only and are not intended to be included on the form when you prepare the form for use at your establishment. The board has marked these notes with asterisks (*).

The statements in italics are required by the Federal Trade Commission and the Board. The FTC disclosure requirements must be placed under the appropriate category as indicated on this sample form.

APPENDIX I

Any Funeral Home
Main Street
Anytown, Virginia
Telephone Number

GENERAL PRICE LIST

These prices are effective as of _____ (Date)

(Prices are subject to change without prior notice)

I. General Information:

Required Disclosure: *"The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected."*

"Certain funeral services may be provided off-premises by other funeral service providers."

Optional Disclosure: "This list does not include prices for certain items that you may ask us to buy for you such as cemetery or crematory services, flowers, and newspaper notices. The prices for these items will be shown on your bill or the statement describing the funeral goods and services you selected."

II. Professional Services of Funeral Director and Staff

A. Basic Services of Funeral Director and Staff \$ _____

"This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" OR Please note that a fee of \$_____ for the use of our basic services and overhead is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket."

Our services include: (*Note: List what charge for basic services includes)

III. Funeral Home Facilities

A. Facilities and staff for visitation and viewing \$ _____

Our charge includes:

B. Facilities and staff for funeral ceremony \$ _____

Our charge includes:

C. Facilities and staff for memorial service \$ _____

Our charge includes:

D. Equipment and staff for graveside service \$ _____

Our charge includes:

(*Note: If you have additional charges such as facilities and staff for home/church viewing, of a charge for additional staff per person or through calculation of manhours, etc., add here as extra items. If you have a charge for interment, add here. Describe what charges include.)

IV. Embalming

"Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial."

A. Normal remains. \$ _____

B. Autopsy remains. \$ _____

(*Note: If the cost for embalming is the same for normal and autopsied remains, only one price may be listed)

V. Other Preparation of the Deceased

(*Note: List below each preparation service that you offer and the price. If you do not charge for other preparation, remove this section.)

A. \$ _____

B. \$ _____

C. \$ _____

VI. Immediate Burial (*List price range) \$ _____

(*Note: A price range must be given for this service. Your prices should range from your immediate burial package with container provided by purchaser to your immediate burial package plus your highest priced casket.)

Our charges include: (*Note: List under each category what the charge includes)

- A. Immediate burial with container provided by purchaser \$ _____
- B. Immediate burial with lowest priced alternative container \$ _____

(*Note: If an alternative container is not offered, this line item may be omitted; if an alternative container is offered, include a brief description.)

VII. Direct Cremation (*List price range) \$ _____ to \$ _____

"State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are [specify containers]."

(*Note: A price range must be given for a direct cremation. Your prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the highest priced wooden casket acceptable for cremation or highest priced cremation casket. Describe the services included for each category listed below.)

- A. Direct cremation with container provided by the purchaser. \$ _____
- B. Direct cremation with (list each alternative container specified in the above disclosure) \$ _____

(*A price and description for alternative container should be provided)

VIII. Transfer of Remains to Funeral Establishment \$ _____

(*Note: This is added only when it is not included under professional services. You must explain what this charge includes if listed separately.)

IX. Forwarding Remains to Another Funeral Establishment \$ _____

Our charge includes:

X. Receiving Remains from Another Funeral Establishment \$ _____

Our charge includes:

XI. Automotive Equipment and Services

(*Note: Specify a range of miles for local service. If a fee is charged beyond local miles, please specify the fee per mile. The cost of any vehicle that you must rent should be included on the itemized statement as a cash advance item.)

- A. Use of hearse \$ _____

- B. Use of limousine \$ _____
- C. Other automotive equipment and services \$ _____

(*Note: You should provide a description and price for each automotive equipment and service listed.)

XII. Funeral Merchandise

- A. Caskets \$ _____ to \$ _____

"A complete price list will be provided at the funeral ~~establishment~~ home."

- B. Outer Burial Container \$ _____ to \$ _____

"A complete price list will be provided at the funeral ~~establishment~~ home."

- C. Other funeral merchandise

(*Note: List all other merchandise that you offer including acknowledgment cards, register book, memorial folders, etc. and include the price.)