
Call to Order – Frank Walton, FSL, Board President

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

Approval of Minutes

- Board Meeting – April 16, 2019
- Formal Hearings April 16, 2019
- For informational purposes – Informal Conferences April 15, 2019

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 – **Kelley Palmatier, Deputy Executive Director**

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 International Conference – **Blair H. Nelsen, FSL; Frank Walton, FSL**

Legislation and Regulatory Actions – Elaine Yeatts, Senior Policy Analyst

- Report on Status of Regulatory Actions
- Legislative Report
- Adoption of Proposed Regulations from Periodic Review (18VAC65-20-10 et seq., 18VAC65-30-10 et seq.)

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- Approval and Adoption of Reciprocal Agreement with the D.C. Board of Funeral Directors (Revised Guidance Document 65-5)
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New Business

- 2019 Workforce Report – Funeral Service Provider – **Elizabeth A. Carter, Ph.D.**
 - Overview of the DHP Inspection Process – **Melody Morton, Inspections Manager**
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Next Meeting – October 10, 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 2.2-3707(F).

Approval of Minutes

April 16, 2019

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Thursday, April 16, 2019 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, President
Mia F. Mimms, FSL, JD, Vice-President
R. Thomas Slusser, Jr., FSL, Secretary-Treasurer
Muhammad Hanif, Citizen Member
Blair H. Nelsen, FSL
Connie B. Steele, FSL

BOARD MEMBERS ABSENT:

Kenneth Scott Hickey, M.D., Citizen Member
Louis R. Jones, FSL
Larry T. Omps, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, Chief Deputy Director, DHP
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

Jerry J. Gentile, Department of Planning and Budget
William M. Bunnell, Virginia Morticians Association*
Ross Miller
J. Michael Williams, Bliley Funeral Home*
Curtis L. Cunningham, Virginia Morticians Association*
Twila Dickerson, Regulatory Support Services
Barry D. Robinson, Virginia Morticians Association*
Kathy Martin, FCC
Lacy Whittaker, Virginia Funeral Directors Association*

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Mr. Walton called the meeting to order at 10:00 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, attendance for continuing education requirements, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINTUES

Upon a *MOTION* by Ms. Steele, and properly seconded by Mr. Slusser, the Board voted to accept the January 24, 2019 Board meeting minutes. 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 Robinson, VMA, thanked the Board for their support of the Annual Convention scheduled for June 2019 in Portsmouth, Virginia, and for Ms. Mimms volunteering to present at the training. Mr. Robinson thanked Ms. Helmick for her assistance over the years and wished her well in her retirement.

AGENCY REPORT

Dr. Allison-Bryan provided an update on the 2019 General Assembly, and briefly spoke about telemedicine. Dr. Allison-Bryan briefly spoke about the possible current barriers of foreign applicants obtaining medical licensure in Virginia and stated that DHP was reviewing ways to equalize regulations.

Dr. Allison-Bryan reported that the Board of Health Professions was reviewing criteria for a study in regards to music therapists and stated that the Board would provide a recommendation to the General Assembly in 2020 regarding possible licensure.

Dr. Allison-Bryan provided a brief overview of the Board of Pharmacy's approval of five vertical processors for CBD Oil and THC-A Oil, as well as new legislation related to designation of a registered agent to receive the CBD oil on behalf of a patient.

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

STAFF REPORTS

Executive Director’s Report –Corie E. Tillman Wolf

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of February 28, 2019.

Cash Balance as of June 30, 2018	\$526,645
YTD FY19 Revenue	\$227,495
Less YTD Direct & In-Direct Expenditures	\$37,394
Cash Balance as of February 28, 2019	\$376,747

Ms. Tillman Wolf reported that The Conference held their 115th Annual Meeting in San Diego, CA from February 27-28, 2019, which Mr. Nelsen, Mr. Walton, and Ms. Helmick attended.

Ms. Tillman Wolf announced that the Conference has an upcoming Item Writing/Review Workshop in June for the National Board Exam (NBE) and is looking for participants. She said that an email was sent to Board members with an application due date of April 15, 2019.

Ms. Tillman Wolf reported that the Board’s reciprocity agreement with the DC Board of Funeral Directors was updated. She said that the draft was slated for review by the DC Board at their April 4, 2019 meeting, but the minutes of that Board do not indicate any action taken by the DC Board at this time.

Ms. Tillman Wolf reported that an email from the Cremation Association of North America (CANA) was included in the agenda packet in regards to radiation protection guidelines for safe handling of decedents. She encouraged the Board members to review that information.

Ms. Tillman Wolf requested the Board to review a letter sent to David Brown, DC, Director of DHP, from Scott Johnson in regards to funeral service licensees and a study performed in 2015 by the Board of Health Professions regarding options for multi-level licensure. Ms. Tillman Wolf stated that the Board of Health Professions would review and update the study, but that no action was required from this Board at this time. She reported that this would likely be an agenda item in the future.

Ms. Tillman Wolf announced Ms. Helmick’s retirement effective June 1, 2019. She thanked Ms. Helmick for her years of dedication and support.

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

Licensure Statistics – All Licenses

License	April 11, 2019
Funeral Service Licensees	1,487
Funeral Director	33
Embalmer Only	2

Supervisors	561
Interns	165
Establishments	404
Branch Establishments	66
Crematories	112
CE Providers	14
Courtesy Card Holders	93
Surface Transport & Removal Svc.	39
Total (*not incl. supervisors)	2,415

Ms. Tillman Wolf provided the following examination statistics:

National Exam – January 1 – October 31, 2018

	Arts – Pass	Arts – Fail	Sciences – Pass	Sciences - Fail
National Average	1,051 (71%)	430 (29%)	945 (62%)	581 (38%)

Virginia National Exam – CY 2018

	Arts – Pass	Arts – Fail	Sciences – Pass	Sciences - Fail
Virginia Average	27 (64.3%)	15 (35.7%)	28 (54.9%)	23 (45.1%)

Ms. Tillman Wolf reported on the examination statistics for the Virginia exam and noted the following:

- Laws, Rules and Regulations Exam – CY 2018
 - 74 exams (79.7% pass; 20.3% fail)
 - 17 repeats (23.0%)

Ms. Tillman Wolf reported on the internship statistics as follows:

- As of February 3, 2019:
 - 210 active interns
 - 561 active supervisors; 163 actively supervising interns (29.1%)
- As of April 12, 2019:
 - 166 current active interns (post-renewal)
- Between January 2010 and April 2019:
 - 612 internship registrations issued
 - 33.8% (207) became licensed in Virginia (FSL)
 - 39.9% (244) allowed registration to expire*
 - 360 FSL’s licensed from June 2011 to April 2019
 - 25.6% (157) current active

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%
- Q1 2019 – 100%

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

The Board meeting dates for 2019 are:

- July 11, 2019 at 10:00 a.m.
- October 10, 2019 at 10:00 a.m.

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

Discipline Report – Lynne Helmick, Deputy Executive Director

As of April 9, 2019, Ms. Helmick reported the following disciplinary statistics:

- 49 total cases
 - 2 in Formal
 - 2 in Informal
 - 32 in Investigation
 - 13 in Probable Cause (5 are ready for Board member review)
 - 5 in Compliance Monitoring

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

- | | |
|-------------------|--------------------------------|
| • Q2 2017 – 12/17 | • Q3 2018 – 12/18 |
| • Q3 2017 – 9/15 | • Q4 2018 – 13/24 |
| • Q4 2017 – 22/20 | • Q1 2019 – 26/13 |
| • Q1 2018 – 12/14 | • Q2 2019 – 23/6 (unofficial) |
| • Q2 2018 – 8/7 | • Q3 2019 – 21/25 (unofficial) |

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

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett stated that she did not have a report to provide.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the Board of Health Professions – Louis R. Jones, FSL

Mr. Walton stated that Mr. Jones was not in attendance, but the minutes from the Board of Health Professions' last meeting were included in the agenda packet.

Report from the Conference Annual Meeting – Frank Walton, FSL, Blair Nelsen, FSL, Lynne Helmick, Deputy Executive Director

Mr. Nelsen said that the Conference provided information on a case study related to the exposure of radiation from decedents who were cremated after receiving radiation treatments. He encouraged Board members to read the report with the outcome of the study.

Mr. Nelsen also reported on body donation as opposed to organ donation, and stated that the state of Nevada passed a law stating that limits prosecution or litigation surrounding body donation. He reported that a bill was introduced in the U.S. Congress to address the issue.

Mr. Walton reported that the Conference is seeking exam writers and noted the limited participation. He encouraged Board members to join the committee. Mr. Nelsen added that most meetings were held by teleconference, with one-two in-person conferences per year.

Ms. Helmick reported on the Administrators' Forum and the discussion of an internet company that raised concerns among various states. She stated that forum participants also discussed advertising and that some states require that an individual be licensed to advertise funeral services and others require certain information be included in advertisements to the public.

Ms. Yeatts arrived at 10:53 a.m.

BREAK

The Board took a break at 10:55 a.m. The Board reconvened at 11:07 a.m.

LEGISLATION AND REGULATORY ACTIONS

Report on Status of Regulatory Actions

Ms. Yeatts reported on the three periodic reviews initiated by the Board. She reported that two of the three reviews have moved recently to the Governor's office.

Legislative Report

Ms. Yeatts provided an overview of bills passed in the 2019 Session of the General Assembly. She reported on HB 2445: *Death certificates; medical certification, electronic filing*. Ms. Tillman Wolf added that more information will be sent to licensees regarding the impact of this legislation for practitioners.

Ms. Yeatts reported on SB 1300: *Funeral establishments; full time manager requirement, exception, number of calls*. She stated that more information would be provided at the July meeting regarding the passing of that bill.

Response to Petition for Rulemaking (Miller)

Ms. Yeatts presented a Petitioner's Request for the Board to establish clear processes and guidance for compelling the disclosure of information when a Board investigation identifies potential class 1 misdemeanors. She provided the Board with the summary of HB 2556: *Health Professions, Dept. of & health regulatory boards; information obtained in an investigation*, which was recently passed by the General Assembly. She stated that it appears that the Petitioner's request was addressed with this legislation, but requested the Board discuss the petition further.

Upon a **MOTION** by Mr. Slusser, which was properly seconded by Mr. Nelsen, the Board voted to deny the petition for rulemaking on the basis that the recent legislation for a change in Virginia law addressed the petitioner's concerns regarding the disclosure of investigative information related to suspected violations of state or federal law or regulations to state or federal law enforcement. The vote was unanimous.

Proposed Guidance Document – Surface Transportation and Removal Services

Ms. Yeatts presented a proposed guidance document on the *Guidance on Surface Transportation and Removal Services*. She requested that the Board discuss the proposed document to determine if it should be adopted. Ms. Yeatts explained the recent changes to the Guidance Document process, which now require a period of public comment before the Guidance Document becomes effective.

Upon a **MOTION** by Mr. Slusser, which was properly seconded by Ms. Mimms, the Board voted to adopt the proposed Guidance Document as presented to the Board. The vote was unanimous.

DISCUSSION

Review and Recommendations Regarding Funeral Service Internship Hours

Ms. Tillman Wolf provided the Board with information regarding a public comment received by the Board and considered by the Internship Committee and the current requirements for internship hours, and posed the following questions for discussion by the Board:

1. Should there be a reduction in the total number of required internship hours?
2. If so, what should the proposed hours be?
3. Would a proposed change in hours necessitate any additional changes (Code or regulation)?

Ms. Georgen reported on the internship hour comparison research conducted showing the requirements in other jurisdictions that had similar licensure avenues. Ms. Georgen reported that there was a lack of consistency throughout the other jurisdictions and the number of hours varied.

Upon a **MOTION** by Ms. Steele, which was properly seconded by Mr. Hanif, the Board voted to adopt a NOIRA to amend its regulations governing funeral service interns to reduce the required hours of internship from 3,000 to 2,000. The motion passed unanimously.

PRESENTATIONS

Ms. Tillman Wolf introduced the Probable Cause training video.

NEXT MEETING

The next meeting date is July 11, 2019.

ADJOURNMENT

Prior to adjournment, Mr. Walton expressed his gratitude to Ms. Helmick for her service to the Board and as a resource to licensees on funeral issues, wished her well in retirement, and made a presentation to her on behalf of the Board members.

With all business concluded, the meeting adjourned at 11:50 a.m.

Joseph Frank Walton, FSL, Board President

Corie Tillman Wolf, J.D., Executive Director

Date

Date

Virginia Board of Funeral Directors and Embalmers

Guidance on Surface Transportation & Removal Services

Virginia Code § 54.1-2819 requires the registration of persons or private businesses that engage in the business of surface transportation or removal of dead human bodies in the Commonwealth. This section further provides that:

Surface transportation and removal services shall not arrange or conduct funerals, provide for the care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods and services without the issuance of a funeral service establishment license.

Where a registered surface transportation and removal service that is not otherwise licensed as a funeral service establishment contracts to provide transportation and removal services with a local governmental entity, the surface transportation and removal service may take the dead human body to a location or facility designated by the governmental entity, by a court order, or by the decedent's next of kin, guardian, or designated representative, but not to a location or facility chosen by the surface transportation and removal service. Further, the surface transportation and removal service may not store dead human bodies or arrange for storage of dead human bodies at locations or facilities not otherwise designated by the governmental entity, court order, decedent's next of kin, guardian, or designated representative.

Virginia Code § 54.1-2819 also provides that:

No licensed funeral service establishment shall be required to receive such registration in addition to its funeral service establishment license. However, such establishment shall be subject to the regulations pertaining to transportation and removal services.... [N]o person or private business shall engage in the business as a surface transportation and removal service without holding a valid registration.

Where an individual or private business independently contracts with a funeral establishment to provide surface transportation and removal services, the individual or business is required to be registered with the Board as a surface transportation and removal service.

Unapproved

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

April 16, 2019

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER: The formal hearing of the Board was called to order at 1:00 p.m.

MEMBERS PRESENT: Joseph Frank Walton, FSL, President
Mia Mimms, FSL, JD, Vice President
R. Thomas Slusser, Jr., FSL
Connie Steele, FSL
Muhammad Hanif, Citizen Member

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie Tillman Wolf, Executive Director

COURT REPORTER: Farnsworth and Taylor Reporting, LLC.

PARTIES ON BEHALF OF COMMONWEALTH: Claire Foley, Adjudication Specialist

OTHERS PRESENT: William M. Burrell
Curtis L. Cunningham
Ross M. Miller

MATTER: J. K. Redmond Funeral Home
License #0501-000504
Case #186520

ESTABLISHMENT OF A QUORUM: With five (5) members present, a quorum was established.

DISCUSSION: Kimberly Redmond-Cosby, FSL, MOR appeared before the Board representing J. K. Redmond Funeral Home. The Board received evidence and sworn

testimony from the witness called by the Commonwealth.

CLOSED SESSION:

Upon a motion by Mia Mimms, and duly seconded by R. Thomas Slusser, 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 J. K. Redmond Funeral Home. Additionally, she moved that Ms. Tillman Wolf and Ms. Barrett attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Ms. Mimms certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board reconvened in open session.

DECISION:

Upon a motion by Frank Walton and duly seconded by Mia Mimms, the Board moved to reprimand the license of J. K. Redmond Funeral Home and order a monetary penalty. The motion carried.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 2:11 p.m.

Joseph Frank Walton, FSL, President

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved
VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
MINUTES

April 16, 2019

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER: The formal hearing of the Board was called to order at 2:20 p.m.

MEMBERS PRESENT: Joseph Frank Walton, FSL, President
Mia Mimms, FSL, JD, Vice President
R. Thomas Slusser, Jr., FSL
Connie Steele, FSL
Muhammad Hanif, Citizen Member

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie Tillman Wolf, Executive Director

COURT REPORTER: Farnsworth and Taylor Reporting, LLC.

PARTIES ON BEHALF OF COMMONWEALTH: Jessica Kelley, Adjudication Specialist

COMMONWEALTH WITNESS: Ron Houser, Senior Investigator, (Telephone)
Jatinder Khokhar, Building Official, Town of Dumfries, Va.

OTHERS PRESENT: William M. Burrell
Ross M. Miller
Kristi M. Caturano, Town of Dumfries, Va.

MATTER: **Reid Funeral Home, LLC**
License #0501-000830
Case #190450

ESTABLISHMENT OF A QUORUM:

With five (5) members present, a quorum was established.

DISCUSSION:

No one appeared before the Board to represent Reid Funeral Home, LLC in accordance with the Board's Notice of Formal Hearing dated March 15, 2019. Ms. Kelley stated proper notice was made to Kenya Stewart, Manager of Record and Reid Funeral Home, LLC to the address of record with the Board. The notice was also mailed to Kenya Stewart's personal address along with Shaun Reid's personal address.

Mr. Walton ruled that proper notice of the hearing was provided to Ms. Stewart and Reid Funeral Home, LLC and the Board proceeded in their absence.

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

CLOSED SESSION:

Upon a motion by Mia Mimms, and duly seconded by Connie Steele, 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 Reid Funeral Home. Additionally, she moved that Ms. Tillman Wolf and Ms. Barrett attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Ms. Mimms certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board reconvened in open session.

DECISION:

Upon a motion by Frank Walton and duly seconded by Mia Mimms, the Board moved to indefinitely suspend the right to renew the license of Reid Funeral Home. The motion carried.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 3:06 p.m.

Joseph Frank Walton, FSL, President

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

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

April 15, 2019

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

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 1:15 p.m.
- MEMBERS PRESENT:** Blair Nelsen, FSL
R. Thomas Slusser, Jr., FSL
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Angela Pearson, Discipline Operations Manager
Jessica Kelley, Adjudication Specialist
- MATTER:** **Steele-Bullock Funeral Home**
License # 0501-000638
Case #188215
- DISCUSSION:** No one appeared before the Committee to represent Steele-Bullock Funeral Home in accordance with the Notice of Informal Conference, dated March 19, 2019.
- The Committee fully discussed the allegations as referenced in the March 19, 2019, Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Mr. Slusser, and duly seconded by Mr. Nelsen, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Steele-Bullock Funeral Home. Additionally, he moved that Ms. Helmick and Ms. Pearson attend the closed meeting because their 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. Slusser and duly seconded by Mr. Nelsen, the Committee voted to place the license of Steele-Bullock Funeral Home on probation status and impose a monetary penalty.

The motion carried.

ADJOURNMENT:

The Committee adjourned at 1:35 p.m.

Blair Nelsen, FSL

Corie Tillman Wolf, Executive Director

Date

Date



Staff Reports



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

MEMORANDUM

TO: Members, Board of Funeral Directors and Embalmers

FROM: David E. Brown, D.C. 

DATE: June 26, 2019

SUBJECT: Revenue and Expenditure Analysis – (Revised)

Virginia law requires that an analysis of revenues and expenditures of each regulatory board be conducted at least biennially. If revenues and expenditures for a given board are more than 10% apart, the Board is required by law to adjust fees so that the fees are sufficient, but not excessive, to cover expenses. The adjustment can be either an increase or decrease.

The Board of Funeral Directors and Embalmers ended the 2016 - 2018 biennium (July 1, 2016, through June 30, 2018) with a cash balance of \$526,645. Current projections indicate that revenue for the 2018 - 2020 biennium (July 1, 2018, through June 30, 2020) will exceed expenditures by approximately \$75,847. When combined with the Board's \$526,645 cash balance as of June 30, 2018, the Board of Funeral Directors and Embalmers projected cash balance on June 30, 2020, is \$602,492.

To reduce the Board's projected cash surplus we recommend a one-time renewal fee decrease. Please note that these projections are based on internal agency assumptions and are, subject to change based on actions by the Governor, the General Assembly and other state agencies.

We are grateful for continued support and cooperation as we work together managing the fiscal affairs of the Board and the Department.

Please do not hesitate to call me if you have questions.

cc: Corie E. Tillman Wolf, J.D, Executive Director
Lisa R. Hahn, Chief Operating Officer
Charles E. Giles, Budget Manager
Elaine Yeatts, Senior Policy Analyst

Virginia Department of Health Professions
Cash Balance
As of May 31, 2019

	104- Funeral Directors and Embalmers
Board Cash Balance as June 30, 2018	\$ 526,645
YTD FY19 Revenue	707,435
Less: YTD FY19 Direct and Allocated Expenditures	<u>543,439</u>
Board Cash Balance as May 31, 2019	<u><u>690,641</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 May 31, 2019

Account Number	Account Description	Amount	Budget	Amount	
				Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	46,935.00	34,845.00	(12,090.00)	134.70%
4002406	License & Renewal Fee	626,625.00	628,860.00	2,235.00	99.64%
4002407	Dup. License Certificate Fee	420.00	360.00	(60.00)	116.67%
4002409	Board Endorsement - Out	2,400.00	3,850.00	1,450.00	62.34%
4002421	Monetary Penalty & Late Fees	11,810.00	10,025.00	(1,785.00)	117.81%
4002430	Board Changes Fee	7,650.00	7,695.00	45.00	99.42%
4002432	Misc. Fee (Bad Check Fee)	95.00	35.00	(60.00)	271.43%
	Total Fee Revenue	<u>695,935.00</u>	<u>685,670.00</u>	<u>(10,265.00)</u>	<u>101.50%</u>
4003000	Sales of Prop. & Commodities				
4003020	Misc. Sales-Dishonored Payments	1,000.00	-	(1,000.00)	0.00%
	Total Sales of Prop. & Commodities	<u>1,000.00</u>	<u>-</u>	<u>(1,000.00)</u>	<u>0.00%</u>
4009000	Other Revenue				
4009060	Miscellaneous Revenue	10,500.00	3,300.00	(7,200.00)	318.18%
	Total Other Revenue	<u>10,500.00</u>	<u>3,300.00</u>	<u>(7,200.00)</u>	<u>318.18%</u>
	Total Revenue	<u>707,435.00</u>	<u>688,970.00</u>	<u>(18,465.00)</u>	<u>102.68%</u>
5011110	Employer Retirement Contrib.	7,532.88	10,213.00	2,680.12	73.76%
5011120	Fed Old-Age Ins- Sal St Emp	4,132.73	5,779.00	1,646.27	71.51%
5011130	Fed Old-Age Ins- Wage Earners	-	623.00	623.00	0.00%
5011140	Group Insurance	729.96	990.00	260.04	73.73%
5011150	Medical/Hospitalization Ins.	16,631.22	28,998.00	12,366.78	57.35%
5011160	Retiree Medical/Hospitalizatn	652.06	884.00	231.94	73.76%
5011170	Long term Disability Ins	346.39	469.00	122.61	73.86%
	Total Employee Benefits	<u>30,025.24</u>	<u>47,956.00</u>	<u>17,930.76</u>	<u>62.61%</u>
5011200	Salaries				
5011230	Salaries, Classified	56,331.72	75,539.00	19,207.28	74.57%
5011250	Salaries, Overtime	959.18	-	(959.18)	0.00%
	Total Salaries	<u>57,290.90</u>	<u>75,539.00</u>	<u>18,248.10</u>	<u>75.84%</u>
5011300	Special Payments				
5011340	Specified Per Diem Payment	1,400.00	3,000.00	1,600.00	46.67%
5011380	Deferred Compnstn Match Pmts	130.75	720.00	589.25	18.16%
	Total Special Payments	<u>1,530.75</u>	<u>3,720.00</u>	<u>2,189.25</u>	<u>41.15%</u>
5011400	Wages				
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	<u>-</u>	<u>8,133.00</u>	<u>8,133.00</u>	<u>0.00%</u>
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	<u>326.09</u>	<u>-</u>	<u>(326.09)</u>	<u>0.00%</u>
5011930	Turnover/Vacancy Benefits	-	-	-	0.00%
	Total Personal Services	<u>89,172.98</u>	<u>135,348.00</u>	<u>46,175.02</u>	<u>65.88%</u>
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 May 31, 2019

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%
5012120	Outbound Freight Services	19.09	-	(19.09)	0.00%
5012130	Messenger Services	35.73	-	(35.73)	0.00%
5012140	Postal Services	2,426.66	3,500.00	1,073.34	69.33%
5012150	Printing Services	112.67	1,500.00	1,387.33	7.51%
5012160	Telecommunications Svcs (VITA)	219.04	300.00	80.96	73.01%
5012190	Inbound Freight Services	20.69	-	(20.69)	0.00%
	Total Communication Services	2,837.54	5,500.00	2,662.46	51.59%
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	375.00	1,945.00	1,570.00	19.28%
5012270	Emp Trning- Trns, Ldgng & Meals	-	3,250.00	3,250.00	0.00%
	Total Employee Development Services	625.00	6,995.00	6,370.00	8.93%
5012400	Mgmnt and Informational Svcs				
5012420	Fiscal Services	10,690.94	9,520.00	(1,170.94)	112.30%
5012440	Management Services	103.26	120.00	16.74	86.05%
5012460	Public Infrmtnl & Relatn Svcs	412.11	-	(412.11)	0.00%
5012470	Legal Services	165.00	500.00	335.00	33.00%
	Total Mgmnt and Informational Svcs	11,371.31	10,140.00	(1,231.31)	112.14%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	974.06	640.00	(334.06)	152.20%
	Total Repair and Maintenance Svcs	974.06	640.00	(334.06)	152.20%
5012600	Support Services				
5012640	Food & Dietary Services	511.24	2,100.00	1,588.76	24.34%
5012660	Manual Labor Services	84.49	1,200.00	1,115.51	7.04%
5012670	Production Services	751.69	1,120.00	368.31	67.12%
5012680	Skilled Services	83.86	910.00	826.14	9.22%
	Total Support Services	1,431.28	5,330.00	3,898.72	26.85%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	3,266.48	6,200.00	2,933.52	52.69%
5012830	Travel, Public Carriers	646.00	700.00	54.00	92.29%
5012850	Travel, Subsistence & Lodging	1,324.70	1,600.00	275.30	82.79%
5012880	Trvl, Meal Reimb- Not Rprtble	735.75	750.00	14.25	98.10%
	Total Transportation Services	5,972.93	9,250.00	3,277.07	64.57%
	Total Contractual Svcs	23,212.12	37,855.00	14,642.88	61.32%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	1,436.20	1,500.00	63.80	95.75%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	Total Administrative Supplies	1,436.20	2,175.00	738.80	66.03%
5013300	Manufctrng and Merch Supplies				

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2018 and Ending May 31, 2019

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013500	Repair and Maint. Supplies				
5013520	Custodial Repair & Maint Matrl	2.24	-	(2.24)	0.00%
5013530	Electrcal Repair & Maint Matrl	0.64	-	(0.64)	0.00%
	Total Repair and Maint. Supplies	2.88	-	(2.88)	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%
5013640	Laundry and Linen Supplies	6.73	-	(6.73)	0.00%
5013650	Personal Care Supplies	5.51	-	(5.51)	0.00%
	Total Residential Supplies	61.68	120.00	58.32	51.40%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	2.12	15.00	12.88	14.13%
	Total Specific Use Supplies	2.12	15.00	12.88	14.13%
	Total Supplies And Materials	1,502.88	2,395.00	892.12	62.75%
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	25.20	-	(25.20)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	4,438.26	4,569.00	130.74	97.14%
	Total Operating Lease Payments	4,467.50	4,584.00	116.50	97.46%
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	4,639.72	4,763.00	123.28	97.41%
5022000	Equipment				
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	Total Office Equipment	-	132.00	132.00	0.00%
5022700	Specific Use Equipment				
5022710	Household Equipment	20.80	-	(20.80)	0.00%
	Total Specific Use Equipment	20.80	-	(20.80)	0.00%
	Total Equipment	20.80	132.00	111.20	15.76%
	Total Expenditures	118,548.50	180,493.00	61,944.50	65.68%

Allocated Expenditures

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2018 and Ending May 31, 2019

Account Number	Account Description	Amount	Budget	Amount	
				Under/(Over) Budget	% of Budget
20600	Funeral\LTCA\IPT	100,505.22	105,108.15	4,602.93	95.62%
30100	Data Center	96,773.47	93,469.32	(3,304.15)	103.54%
30200	Human Resources	5,029.96	11,428.30	6,398.34	44.01%
30300	Finance	20,890.33	27,840.04	6,949.71	75.04%
30400	Director's Office	9,533.46	11,087.73	1,554.27	85.98%
30500	Enforcement	140,338.15	163,107.81	22,769.66	86.04%
30600	Administrative Proceedings	25,711.75	31,216.78	5,505.03	82.37%
30700	Impaired Practitioners	-	275.09	275.09	0.00%
30800	Attorney General	13,187.03	10,436.29	(2,750.74)	126.36%
30900	Board of Health Professions	6,977.74	8,934.92	1,957.18	78.10%
31100	Maintenance and Repairs	6.80	1,844.12	1,837.32	0.37%
31300	Emp. Recognition Program	389.35	253.55	(135.79)	153.56%
31400	Conference Center	156.70	161.34	4.64	97.12%
31500	Pgm Devlpmnt & Implmentn	5,390.91	6,486.81	1,095.91	83.11%
Total Allocated Expenditures		<u>424,890.88</u>	<u>471,650.27</u>	<u>46,759.39</u>	<u>90.09%</u>
Net Revenue in Excess (Shortfall) of Expenditures		<u>\$ 163,995.62</u>	<u>\$ 36,826.73</u>	<u>\$ (127,168.89)</u>	<u>445.32%</u>



Spring 2019

News Brief

In this News Brief:

- *Upcoming Board Meetings*
- *New Regulations in Effect*
- *Pending Regulatory Actions*
- *Legislation Becoming Effective July 1, 2019*
- *Resources – Cremation of Decedents After Radioactive Treatments*
- *Facility Inspections Report – Frequently Cited Deficiencies from 2018*
- *Reminder - Continuing Education Requirements for Licensees*

Upcoming Board Meetings

July 11, 2019 (10:00 a.m.) – Full Board Meeting

October 10, 2019 (10:00 a.m.) – Full Board Meeting

*All Board meetings are held at the Department of Health Professions,
2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.*

Board Members

*Joseph Frank Walton, FSL
President
Virginia Beach, VA*

*Mia F. Mimms, FSL, JD
Vice-President
Richmond, VA*

*R. Thomas Slusser, Jr., FSL
Secretary-Treasurer
Clifton Forge, VA*

*Muhammad Hanif
Citizen Member
Midlothian, VA*

*Kenneth Scott Hickey, MD
Citizen Member
Maidens, VA*

*Louis R. Jones, FSL
Virginia Beach, VA*

*Blair Nelsen, FSL
Richmond, VA*

*Connie B. Steele, FSL
Roanoke, VA*

*Larry T. Ompps, FSL
Winchester, VA*

New Regulations in Effect

Recently, final regulations became effective for the Board of Funeral Directors and Embalmers in the following areas:

- **Clarification of Permission to Embalm and Refrigeration of Human Remains – Effective December 26, 2018** - To access the final text of the regulation changes, please [click here](#).
- **Continuing Education Credit for Attendance of Board Meetings – Effective November 28, 2018** - To access the final text of the regulation changes, please [click here](#).
- **Students Assisting with Embalming – Effective February 21, 2019** - To access the final text of the regulation changes, please [click here](#).

A full copy of the Board's updated regulations may be accessed on the Board's website by [clicking here](#).



Pending Regulatory Actions

Regulations Governing Funeral Directors and Embalmers (18VAC65-20-10 et seq.) - The Board intends to amend its regulations governing the practice of funeral services by clarifying certain provisions, updating regulations, and strengthening rules for surface transportation and removal services and courtesy cards.

Stage: NOIRA

Status: **Public Comment forum open from May 27-June 26, 2019**

Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.) - The Board intends to amend its regulations governing preneed funeral planning to ensure greater protections for the public in disclosures of information about what they is and is not included in a contract, in retention of documentation, and in notification if a funeral home closes or changes ownership.

Stage: NOIRA

Status: **Public Comment forum open from May 27-June 26, 2019**

Regulations for the Funeral Service Intern Program (18VAC65-40-10 et seq.) - The Board has adopted a recommendation of the Ad Hoc Committee on Funeral Interns that a NOIRA be initiated to do the following: 1) amend 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) 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; and 3) add a regulation requiring that interns be identified to the public as interns in titles, correspondence, and communications with the public. Subsequent to publication of the Notice of Periodic Review and NOIRA, a second NOIRA was adopted by the Board to consider a reduction in the number of internships hours currently required.

Stage: NOIRA (Periodic Review) - **Status:** Secretary review in progress

Stage: NOIRA (Reduction in internship hours) – **Status:** **Public Comment forum open June 10-July 10, 2019**

Guidance on Surface Transportation and Removal Services – The Board adopted a proposed Guidance Document on Surface Transportation and Removal Services at its Board meeting on April 16, 2019.

Stage: Public Comment Period

Status: **Public Comment forum open from May 13-June 12, 2019**

*For more information or updates on these pending regulatory actions, please visit **The Virginia Regulatory Townhall Website** at <http://townhall.virginia.gov>.*

Legislation Becoming Effective July 1, 2019

HB 2445 and SB 1439 - Updates to the Electronic Death Reporting System (EDRS)

During the 2019 Session, the General Assembly passed two companion bills, HB 2445 and SB 1439, related to the electronic filing of the completed medical certification on death certificates. A summary of the bills from the Legislative Information System is provided below:

Death certificates; medical certification; electronic filing. Requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that, except under certain circumstances, failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Department of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

For more information on the EDRS system, please visit the EDRS tab on the [website of the Division of Vital Records, Virginia Department of Health](#).

Other bills becoming effective July 1, 2019:

- **SB 1300** – Funeral establishments; full-time manager requirement; exception; number of calls.
- **HB 1828** and **SB 1247** – Sale of caskets; preneed arrangements for funeral services.

To view a summary of these bills, or the full text, click the bill links provided above, or visit Virginia's Legislative Information System at <http://lis.virginia.gov/>.

Resources – Cremation of Decedents After Radioactive Treatments

The Journal of the American Medical Association (JAMA) recently published a case study, *Radiation Contamination Following Cremation of a Deceased Patient Treated With a Radiopharmaceutical*.

In response to some of the concerns expressed for funeral establishments and crematories, the Cremation Association of North America (CANA), has compiled a number of resources of interest to funeral and crematory staff.

To access these materials, visit the CANA website at: www.cremationassociation.org, or www.cremationassociation.org/blogpost/776820/319888/Practical-Guide-to-the-Radiation-Misinformation

Facility Inspections Report – Most Common Deficiencies from 2018

In 2018, a total of 149 facilities (main establishments, branch establishments, and crematories) were inspected by Senior Inspectors from the Department of Health Professions. Of the facilities inspected:

- 96.4% of crematories had no cited deficiencies;
- 61.0% of branch establishments had no cited deficiencies; and
- 38.7% of main establishments had no cited deficiencies.

The most frequently cited violations in 2018 were the following:

<u>Regulation</u>	<u>Deficiency(ies) Cited</u>
18VAC65-20-630	The price ranges for Direct Cremation and Immediate Burial in the General Price List (GPL) are not calculated correctly. Immediate Burial: Prices should range from the immediate burial package with container provided by purchaser to the immediate burial package plus the most expensive casket. Direct Cremation: Prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for cremation or the most expensive cremation casket.
18VAC65-20-630	The price ranges on the GPL for caskets and outer burial containers do not match the highest and lowest costs of those products and the Casket Price List (CPL) and Outer Burial Container Price List (OBCPL).
18VAC65-20-630, Appendix I, II, III	The required disclosures and the Itemized Statements, GPL, CPL, and OBCPL are not worded exactly as required by the Federal Trade Commission (FTC).
18VAC65-20-540	Preparation room walls and floor joints are not tight. The floor and wall surfaces are not impervious to water.
18VAC65-20-510	The embalming report does not contain all of the following: <ul style="list-style-type: none"> • The name of the deceased and the date of death • The date and location of the embalming • The name and signature of the embalmer and the Virginia license number of the embalmer • If the embalming was performed by a funeral service intern, the name and signature of the supervisor.
18VAC65-30-70	The preneed list does not have all required information.
18VAC65-20-630, Appendix II	The CPL and OBCPL do not include the name, address, and telephone number of the facility.
18VAC65-30-90	The preneed disclosure Q&A form is not available at the establishment.
18VAC65-20-50	Posting of license – No license posted or expired license posted <ul style="list-style-type: none"> • 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.
18VAC65-20-590	The facility is unable to show evidence (i.e. a contract with a medical waste disposal company) of proper disposal of waste products.

UPDATED INSPECTION FORMS: The Board recently updated inspection forms for establishments and crematories. These forms are readily available to licensees on the Board’s website at the below links:

[Funeral Inspection Report](#)

[Crematory Inspection Report](#)

Reminder – Continuing Education Requirements for Licensees and Course Providers

In order to renew an active license, licensees are required to meet requirements for continuing education (CE). These requirements are set forth in Virginia Code [§ 54.1-2816.1](#) and in [18VAC65-20-151](#).

The Board will only accept for credit CE courses that are directly related to the scope of practice of funeral service. The practice of funeral services is defined in § 54.1-2800 as “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.”

Classes for credit must emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal. (18VAC65-20-151)

Licensees are required to retain written documentation or certification of course completion from the course provider for a period of two years. (Va. Code § 54.1-2816.1.)

For FAQ’s and additional information related to CE requirements, please visit the Board’s website at: https://www.dhp.virginia.gov/funeral/faq_CE.htm.

Be sure to check the Board’s website often for updated news and information.

Contact Information

Virginia Board of Funeral Directors & Embalmers
9960 Mayland Drive, Suite 300
Henrico, VA 23233
804-367-4479 – Office
804-527-4413 – Fax
fanbd@dhp.virginia.gov
Website: <http://www.dhp.virginia.gov/funeral/>



Monthly Snapshot for May 2019

Funeral Directing has received more cases in May than closed cases. Funeral Directing has closed 0 patient care cases and 3 non patient care cases for a total of **3** cases.

Closed Cases	
Patient Care	0
Non Patient Care	3
Total	3

The department has received 0 patient care cases and 5 non patient care cases for a total of **5** cases.¹

Cases Received	
Patient Care	0
Non Patient Care	5
Total	5

As of May 31 2019, there are 23 Patient care cases open and 25 non patient care cases open for a total of **48** cases.

Cases Open	
Patient Care Cases	23
Non Patient Care Cases	25
Total	48

There are **3063** current Funeral Directing licensees as of June 1, 2019. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Profession	Current Licenses
<i>Branch Establishment</i>	77
<i>Continuing Education Provider</i>	14
<i>Courtesy Card</i>	107
<i>Crematories</i>	115
<i>Embalmer</i>	2
<i>Funeral Director</i>	36
<i>Funeral Establishment</i>	418
<i>Funeral Service Intern</i>	178
<i>Funeral Service Licensee</i>	1508
<i>Funeral Supervisor</i>	566
<i>Surface Transport & Removal Services</i>	42
Total for Funeral Directing	3063

There were **6** licenses issued for Funeral Directing for the month of May. The number of licenses issued are broken down by profession in the following chart.

¹ The cases received and cases closed figures exclude Compliance Tracking Cases

License Issued	
Profession	License Issued
<i>Branch Establishment</i>	1
<i>Funeral Service Intern</i>	2
<i>Funeral Service Licensee</i>	1
<i>Funeral Supervisor</i>	1
<i>Surface Transport & Removal Services</i>	1
Total for Funeral Directing	6

Committee and Board Member Reports

In Attendance	Lisette P. Carbajal, MPA, Citizen Member Sahil Chaudhary, Citizen Member 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 Louis R. Jones, FSL, Board of Funeral Directors and Embalmers Alison R. King, PhD, CCC-SLP, Board of Audiology & Speech-Language Pathology Trula E. Minton, MS, RN, Board of Nursing Kevin O'Connor, MD, Board of Medicine Martha S. Rackets, PhD, Citizen Member Maribel Ramos, Citizen Member John M. Salay, MSW, LCSW, Board of Social Work Herb Stewart, PhD, Board of Psychology James Wells, RPh, Citizen Member
Absent	Kevin Doyle, EdD, LPC, LSATP, Board of Counseling Derrick Kendall, NHA, Board of Long-Term Care Administrators Ryan Logan, RPh, Board of Pharmacy James D. Watkins, DDS, Board of Dentistry
DHP Staff	Barbara Allison-Bryan, Chief Deputy Director DHP Elizabeth A. Carter, Ph.D., Executive Director BHP Lisa Hahn, Chief Operation Officer DHP Jaime Hoyle, JD, Executive Director for the Behavioral Sciences Boards Laura L. Jackson, MSHSA, Operations Manager BHP Leslie Knachel, Executive Director Boards of Optometry, Audiology & Speech-Language Pathology and Veterinary Medicine Sandy Reen, Executive Director, Board of Dentistry Yetty Shobo, PhD, Deputy Executive Director BHP Corie Tillman-Wolf, JD, Executive Director Boards of Funeral Directors and Embalmers, Long Term Care and Physical Therapy
Speakers	No speakers signed-in
Observers	Jerry Gentile, DPB W. Scott Johnson, Hancock Daniel

Emergency Egress Elizabeth A. Carter, PhD

Call to Order

Chair: Dr. Jones, Jr. **Time** 11:00 a.m.

Quorum Established

Approval of Minutes

Presenter Dr. Jones, Jr.

Discussion

A motion to accept the meeting minutes from the February 25, 2019 Full Board was made by Dr. Stewart and properly seconded. All members were in favor, none opposed.

Public Comment

Presenter Dr. Jones, Jr.

Discussion

There was no public comment.

Directors Report

Presenter Dr. Allison-Bryan

Discussion

- Dr. Allison-Bryan reported that the Board of Nursing is the first to showcase the agencies webpage redesign.
- Agency Studies: SB1547 Music Therapist and Delegate Tran's request for review of Virginia's ability to utilize foreign trained providers.
- Dr. Allison-Bryan discussed that the Board of Pharmacy has approved five conditional permits for cannabidiol oil extraction. Regulations are still pending.
- Four telemedicine bills are in the process of review. DHP is to convene a workgroup to discuss the issues driving these requests.
- A new point-of-sale medication disposal drop box is a turnkey solution making it easy and affordable for locally owned pharmacies to provide their customers free, intuitive, point-of-sale medication disposal, which will help curtail the local crisis of addiction. The first independent pharmacy in the state to take delivery of the drop box is Market Street Pharmacy in New Castle, VA.

Invited Presentations

Presenter Megan Healy, Chief Workforce Development Advisor

Discussion

Dr. Healy provided a PowerPoint presentation regarding Virginia's workforce. She discussed the size of Virginia's labor pool; areas where there are skills gaps; and that many Virginians are underemployed.

Welcome New Board Member

Presenter Dr. Jones, Jr.

Discussion

Dr. Jones, Jr. welcomed new board member Sahil Chaudhary. All board members provided a brief introduction of themselves.

Legislative and Regulatory Report

Presenter Dr. Allison-Bryan

Discussion

Dr. Allison-Bryan advised the Board of updates to the laws and regulations that affect DHP.

Board Chair Report

Presenter Dr. Jones, Jr.

Discussion

Dr. Jones, Jr. discussed with the Board that plaques were no longer provided to outgoing Board Chairs as a cost saving factor a number of years ago. He stated that the Board now appears to have sufficient funding to accommodate the purchase of such plaques and that this practice should be reinstated. Mr. Wells moved that the Board should purchase a plaque for Dr. Clayton-Jeter, the most recent outgoing board Chair, and all board Chairs going forward. The motion was approved and properly seconded. All members were in favor, none opposed.

Executive Directors Report

Presenter Dr. Carter

Board Budget

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

Agency Performance

Dr. Carter reported that Ms. Siva continues to handle the Weekly Open Case report and is monitoring the boards' progress in addressing "old" open cases, and has posted the Q3 quarterly reports.

Legislative Proposal-Dietitians and Nutritionists

Dr. Carter discussed the necessary amendment of 54.1-2731, relating to the use of the terms dietitian and nutritionist. Item 6 under section B is to be stricken. After discussion, the board approved the requested change.

SRP Version 2

The initial focus will only be on the Board of Nursing update and also address cases closed with Advisory Letters and Confidential Consent Agreements. Dr. Carter will draft the work plan. On properly seconded motion, Mr. Wells moved for the Board to approve the work plan development with the work to begin in FY2020. All members were in favor, none opposed.

Communications

Ms. Powers requested that the Education Committee assist the agency with a new social media initiative. She stated that the agency is seeking ways to expand information outreach that drives people back to our website, while promoting transparency. A summer intern will be starting in June and will be assisting with this project. It is projected to take approximately two weeks to complete. Meetings will be held by phone. The motion by Ms. Minton to have the Education Committee assist DHP's Communications Director in this social media endeavor was approved and properly seconded. All members in favor, none opposed.

-Lunch Break at 12:27 p.m.

Board Mission Statement

Presenter Dr. Carter

Discussion

The discussion of revising the Board's mission statement was carried over from the February 25, 2019 meeting. After discussion, a motion was made by Dr. Stewart to table the discussion on the Mission Statement Guidance Document and form a Task Force to work out the details. The Task Force will meet telephonically and share information digitally. The motion was properly seconded with all members in favor, none opposed.

Healthcare Workforce Data Center (DHP HWDC)

Presenter Dr. Shobo

Discussion

Dr. Shobo provided a PowerPoint presentation. Attachment 1

Committee Reports

Presenter Mr. Wells

Discussion

Mr. Wells shared with the Board that the Regulatory Research Committee met at 10:00 a.m., prior to the Full Board meeting, to review the study draft work plan for the Need for Regulation of the Practice of Music Therapy in Virginia. He advised that the committee approved the work plan as presented. The next meeting is scheduled for June 24, 2019 with a review of the first draft of the report as well as a public hearing to receive comment.

Board Reports

Presenter Dr. Jones, Jr.

- **Board of Veterinary Medicine**

Dr. Johnson provided an overview of the Board since the last meeting. Attachment 2

- **Board of Social Work**

Mr. Salay provided an overview of the Board since the last meeting. Attachment 3

- **Board of Physical Therapy**

Dr. Jones, Jr. provided an overview of the Board since the last meeting. Attachment 4

- **Board of Audiology & Speech-Language Pathology**

Dr. King provided an overview of the Board since the last meeting. Attachment 5

- **Board of Psychology**

Dr. Stewart provided an overview of the Board since the last meeting. Attachment 6

- **Board of Medicine**

Dr. O'Connor provided information regarding applicant satisfaction; upcoming elections for the Board in June; his attendance at the April FSMB annual meeting held in Texas; licensing of international providers; and discussed different factors affecting late career practitioners.

- **Board of Optometry**

Dr. Clayton-Jeter provided an overview of the Board since the last meeting. Attachment 7

- **Board of Funeral Directors and Embalmers**

Mr. Jones provided an overview of the Board since the last meeting. Attachment 8

DRAFT

- **Board of Nursing**

Ms. Minton stated that the Board is very excited about the new website; she discussed probable cause review; NCLEX review; NP autonomous practice; DNR orders and mental health and substance abuse. Ms. Minton expressed that her term expires June 30, 2019 and that she has enjoyed her time serving on the Board.

- **Board of Long Term Care Administrators**

Dr. Carter provided an overview on behalf of Mr. Kendall. Attachment 9

- **Board of Dentistry**

Dr. Carter provided an overview on behalf of Dr. Watkins. Attachment 10

- **Board of Counseling**

Dr. Doyle was not present. No report was provided.

- **Board of Pharmacy**

Mr. Logan was not present. No report was provided.

New Business

Presenter Dr. Jones, Jr.

Dr. Jones, Jr. discussed the importance of wearing the Seal of Virginia lapel pin that is provided to each newly appointed board member. It was determined that several board members have not received a lapel pin and it was asked that Ms. Jackson determine how this matter can be resolved.

August 20, 2019 Full Board Meeting

Presenter Dr. Jones, Jr.

Dr. Jones, Jr. announced the next Full Board meeting date as August 20, 2019.

Adjourned

Adjourned 1:52 p.m.

Chair Allen Jones, Jr.

Signature: _____ Date: ____/____/____

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

Signature: _____ Date: ____/____/____

Board of Health Professions attachments can be found at
https://www.dhp.virginia.gov/bhp/bhp_calendar.htm.

Legislation and Regulatory Actions

Report on Regulatory Actions (as of June 26, 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	<p><u>Results of periodic review</u> [Action 5165]</p> <p>NOIRA - Register Date: 5/27/19 Comment ended: 6/26/19</p>
[18 VAC 65 - 30]	Regulations for Preened Funeral Planning	<p><u>Periodic review 2018</u> [Action 5220]</p> <p>NOIRA - Register Date: 5/27/19 Comment ended: 6/26/19</p>
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<p><u>Periodic review 2019</u> [Action 5221]</p> <p>NOIRA - Register Date: 7/8/19 Comment ends: 8/7/19</p>
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<p><u>Reduction in hours for funeral internships</u> [Action 5275]</p> <p>NOIRA - Register Date: 6/10/19 Comment ends: 7/10/19</p>

2019 Legislation Effective 7/1/19

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 603

An Act to amend and reenact § 54.1-2808.3 of the Code of Virginia, relating to sale of caskets.

[H 1828]

Approved March 19, 2019

Be it enacted by the General Assembly of Virginia:

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

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

A. No person except a licensed funeral service establishment or funeral service licensee shall offer for sale or sell a casket when preneed arrangements for funeral services are being made, including preneed funeral contracts and preneed funeral planning.

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

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 66

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

[S 1300]

Approved February 19, 2019

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.

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 224

An Act to amend and reenact §§ 32.1-263 and 54.1-2915 of the Code of Virginia, relating to death certificates; medical certifications; electronic filing.

[S 1439]

Approved March 5, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-263 and 54.1-2915 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

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

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

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

In the absence of such physician or with his approval, the certificate may be completed and ~~signed~~ filed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing in accordance with the provisions of § 54.1-2957; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; (vii) an individual to whom the physician has delegated authority to complete and ~~sign~~ file the

certificate, if such individual has access to the medical history of the case and death is due to natural causes; or (viii) a physician *who is not licensed in another state by the Board of Medicine* who was in charge of the patient's care for the illness or condition that resulted in death. *A physician described in clause (viii) who completes a certificate in accordance with this subsection shall not be required to register with the Electronic Death Registration System or complete the certificate electronically.*

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

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

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

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

§ 54.1-2915. Unprofessional conduct; grounds for refusal or disciplinary action.

A. The Board may refuse to issue a certificate or license to any applicant; reprimand any person; place any person on probation for such time as it may designate; impose a monetary penalty or terms as it may designate on any person; suspend any license for a stated period of time or indefinitely; or revoke any license for any of the following acts of unprofessional conduct:

1. False statements or representations or fraud or deceit in obtaining admission to the practice, or fraud or deceit in the practice of any branch of the healing arts;
2. Substance abuse rendering him unfit for the performance of his professional obligations and duties;
3. Intentional or negligent conduct in the practice of any branch of the healing arts that causes or is likely to cause injury to a patient or patients;
4. Mental or physical incapacity or incompetence to practice his profession with safety to his patients and the public;
5. Restriction of a license to practice a branch of the healing arts in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction, or for an entity of the federal government;
6. Undertaking in any manner or by any means whatsoever to procure or perform or aid or abet in procuring or performing a criminal abortion;
7. Engaging in the practice of any of the healing arts under a false or assumed name, or impersonating another practitioner of a like, similar, or different name;
8. Prescribing or dispensing any controlled substance with intent or knowledge that it will be used otherwise than medicinally, or for accepted therapeutic purposes, or with intent to evade any law with respect to the sale, use, or disposition of such drug;
9. Violating provisions of this chapter on division of fees or practicing any branch of the healing arts in violation of the provisions of this chapter;
10. Knowingly and willfully committing an act that is a felony under the laws of the Commonwealth or the United States, or any act that is a misdemeanor under such laws and involves moral turpitude;
11. Aiding or abetting, having professional connection with, or lending his name to any person known to him to be practicing illegally any of the healing arts;
12. Conducting his practice in a manner contrary to the standards of ethics of his branch of the healing arts;
13. Conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;
14. Inability to practice with reasonable skill or safety because of illness or substance abuse;
15. Publishing in any manner an advertisement relating to his professional practice that contains a claim of superiority or violates Board regulations governing advertising;
16. Performing any act likely to deceive, defraud, or harm the public;

17. Violating any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing, or administration of drugs;

18. Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.) and this chapter or regulations of the Board;

19. Engaging in sexual contact with a patient concurrent with and by virtue of the practitioner and patient relationship or otherwise engaging at any time during the course of the practitioner and patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive;

20. Conviction in any state, territory, or country of any felony or of any crime involving moral turpitude;

21. Adjudication of legal incompetence or incapacity in any state if such adjudication is in effect and the person has not been declared restored to competence or capacity; ~~or~~

22. Performing the services of a medical examiner as defined in 49 C.F.R. § 390.5 if, at the time such services are performed, the person performing such services is not listed on the National Registry of Certified Medical Examiners as provided in 49 C.F.R. § 390.109 or fails to meet the requirements for continuing to be listed on the National Registry of Certified Medical Examiners as provided in 49 C.F.R. § 390.111; *or*

23. *Failing or refusing to complete and file electronically using the Electronic Death Registration System any medical certification in accordance with the requirements of subsection C of § 32.1-263. However, failure to complete and file a medical certification electronically using the Electronic Death Registration System in accordance with the requirements of subsection C of § 32.1-263 shall not constitute unprofessional conduct if such failure was the result of a temporary technological or electrical failure or other temporary extenuating circumstance that prevented the electronic completion and filing of the medical certification using the Electronic Death Registration System.*

B. The commission or conviction of an offense in another state, territory, or country, which if committed in Virginia would be a felony, shall be treated as a felony conviction or commission under this section regardless of its designation in the other state, territory, or country.

C. The Board shall refuse to issue a certificate or license to any applicant if the candidate or applicant has had his certificate or license to practice a branch of the healing arts revoked or suspended, and has not had his certificate or license to so practice reinstated, in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2020.

3. That every licensed physician of medicine or osteopathy, physician assistant, and nurse practitioner who practices (i) as a hospitalist or in the specialty of emergency medicine in a hospital or as a medical director at a nursing home located in the Commonwealth shall register with the Electronic Death Registration System and shall file each medical certification of death completed in accordance with the requirements of § 32.1-263 of the Code of Virginia, as amended by this act, electronically with the Electronic Death Registration System beginning July 1, 2019; (ii) in the specialty of family medicine or internal medicine shall register with the Electronic Death Registration System and shall file each medical certification of death completed in accordance with the requirements of § 32.1-263 of the Code of Virginia, as amended by this act, electronically with the Electronic Death Registration System beginning October 1, 2019; (iii) in the specialty of oncology or general surgery shall register with the Electronic Death Registration System and shall file each medical certification of death completed in accordance with the requirements of § 32.1-263 of the Code of Virginia, as amended by this act, electronically with the Electronic Death Registration System beginning November 1, 2019; and (iv) in any other specialty and completes medical certifications of death pursuant to § 32.1-263 of the Code of Virginia shall register with the Electronic Death Registration System and shall file each medical certification of death completed in accordance with the requirements of § 32.1-263 of the Code of Virginia electronically with the Electronic Death Registration System beginning December 1, 2019.

4. That the Department of Health shall work with the Medical Society of Virginia, Virginia Hospital and Healthcare Association, Virginia Funeral Directors Association, Virginia Morticians' Association, Inc., Association of Independent Funeral Homes of Virginia, and other stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

**Chapter 20. Regulations ~~of the Board of Funeral Directors and Embalmers~~
Governing the Practice of Funeral Services**

Part I. General Provisions.

18VAC65-20-10. Definitions.

Words and terms used in this chapter shall have the definitions ascribed in §54.1-2800 of the Code of Virginia or in 16 CFR Part 453, Funeral Industry Practices, of the Federal Trade Commission, which is incorporated by reference in this chapter. In addition, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Affiliation" or "affiliated" means a relationship involving a degree of common or subsidiary ownership between two establishments or entities.

"Branch" or "chapel" means a funeral service establishment that is affiliated with a licensed main establishment and that conforms with the requirements of §54.1-2811 of the Code of Virginia.

"Courtesy card" means the card issued by the board which grants limited and restricted funeral service privileges in the Commonwealth to out-of-state funeral service licensees, funeral directors, and embalmers.

"Cremation container" means a container in which human remains are transported to the crematory and placed in the retort for cremation.

"Cremation urn" means a wood, metal, stone, plastic, or composition container or a container of other material, which is designed for encasing cremated ashes.

"Cremation vault" or "cremation outer burial container" means any container that is designed for encasement of an inner container or urn containing cremated ashes. Also known as a cremation box.

"FTC" means the Federal Trade Commission.

"Manager of record" means a funeral service licensee or licensed funeral director who is responsible for the direct supervision and management of a funeral service establishment or branch facility.

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

A. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate, except with the concurrence of a committee of the board, are those that involve:

1. Intentional or negligent conduct that causes or is likely to cause injury;
2. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public;
3. Impairment with an inability to practice with skill and safety;
4. Inappropriate handling of dead human bodies;
5. Sexual misconduct;
6. Misappropriation of funds;
7. Aiding or abetting unauthorized practice; or
8. Felony conviction by an applicant.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.
2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.
3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

18VAC65-20-20 to 18VAC65-20-40. [Repealed]

18VAC65-20-50. Posting of license.

A. 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~~ *practices*.

B. The establishment license shall be posted in a place conspicuous to consumers of funeral services.

18VAC65-20-60. Accuracy of information.

A. All changes in the address of record or the public address, if different from the address of record, or in the name of a licensee or registrant shall be furnished to the board within 30 days after the change occurs.

B. Any change in ownership or manager of record for an establishment or crematory shall be reported to the board within 14 days of the change.

C. A surface transportation and removal service shall notify the board within ~~30~~ 14 days of any change in the name of the manager ~~on~~ of record with the board.

D. All notices required by law and by this chapter to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address of record on file with the board and shall not relieve the licensee, funeral service intern, establishment, crematory, or firm of obligation to comply. The Board shall provide renewal notices by mail or electronically to any licensee.

18VAC65-20-70. Required fees.

A. The following fees shall apply for initial licensure or registration:

- | | |
|--|-------|
| 1. License to practice funeral service or as a funeral director or an embalmer | \$325 |
| 2. Funeral service establishment license | \$600 |
| 3. Surface transportation and removal service registration | \$325 |
| 4. Courtesy card | \$325 |
| 5. Crematory | \$250 |
| 6. Waiver of full-time manager requirement | \$150 |

B. The following fees shall apply for renewal of licensure or registration:

- | | |
|--|-------|
| 1. License to practice funeral service or as a funeral director or an embalmer | \$225 |
| 2. Funeral service establishment license | \$400 |
| 3. Surface transportation and removal service registration | \$300 |
| 4. Courtesy card | \$300 |
| 5. Crematory | \$200 |
| 6. Waiver of full-time manager requirement | \$100 |

7. Inactive funeral service, funeral director, or embalmer license \$115

C. The following fees shall apply for late renewal of licensure or registration up to one year following expiration:

1. License to practice funeral service or as a funeral director or an embalmer	\$75
2. Funeral service establishment license	\$135
3. Surface transportation and removal service registration	\$100
4. Courtesy card	\$100
5. Crematory	\$75
6. Waiver of full-time manager requirement	\$35
<u>7. Inactive funeral service, funeral director, or embalmer license</u>	<u>\$40</u>

D. The following fees shall apply for reinstatement of licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer	\$400
2. Establishment license	\$635
3. Surface transportation and removal service registration	\$425
4. Courtesy card	\$425
5. Crematory	\$275
6. Reinstatement following suspension	\$1,000
7. Reinstatement following revocation	\$2,000

E. Other fees.

1. Change of manager or establishment name	\$100
2. Verification of license or registration to another state	\$50
3. Duplicate license, registration, or courtesy card	\$25
4. Duplicate wall certificates	\$60
5. Change of ownership	\$100
6. Nonroutine reinspection (i.e., structural change to preparation room, change of location or ownership)	\$400

F. Fees for approval of continuing education providers.

1. Application or renewal for continuing education provider	\$400
2. Late renewal of continuing education provider approval	\$100

3. Review of additional courses \$300
not included on initial or renewal
application (*per application with
review of additional courses, not
per individual course*)

~~G. For each renewal in the two years after January 14, 2015, the following shortfall reduction fee shall be assessed:~~

- ~~1. License to practice funeral service or as a funeral director or an embalmer \$40~~
- ~~2. Funeral service establishment license \$75~~
- ~~3. Surface transportation and removal service registration \$60~~
- ~~4. Courtesy card \$60~~
- ~~5. Crematory \$40~~
- ~~6. Continuing education provider \$75~~

18VAC65-20-80 to 18VAC65-20-100. [Repealed]

18VAC65-20-110. Additional fee information.

- A. There shall be a fee of \$35 for returned checks.
- B. Fees shall not be refunded once submitted.
- C. The fee for the Virginia State Board Examination shall be paid directly to the examination service contracted by the board for its administration.

Part II. Renewals and Reinstatement.

18VAC65-20-120. Expiration dates.

- A. A funeral service establishment license, crematory registration, or surface transportation and removal service registration shall expire on March 31 of each calendar year.
- B. The funeral service license, funeral director license, or embalmer license shall expire on March 31 of each calendar year.
- C. Courtesy cards expire on March 31 of each calendar year.

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

- A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18VAC65-20-120, submit the renewal form and applicable fee.

1. In order to renew an active funeral service, director or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18VAC65-20-151.

2. The board shall not renew a license for any licensee who fails to attest to compliance with continuing competency requirements on the renewal form.

3. In order to renew a courtesy card, the courtesy card holder shall provide documentation of current, unrestricted licensure for funeral service, funeral directing, or embalming from the licensing authority in the states in which the courtesy card holder is licensed to practice.

B. A person who or entity which desires to renew an expired license for up to one year following expiration shall comply with requirements of subsection A of this section and also submit the applicable fee for late renewal.

C. A person who or entity which fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18VAC65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

18VAC65-20-140. Reinstatement of expired license or registration.

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration for up to three years following expiration. An application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service provider, funeral director and embalmer is lapsed three years or less and the applicant is seeking reinstatement, he shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. When a license is not reinstated within three years of its expiration date, an applicant shall reapply for licensure and pass the state examination.

18VAC65-20-150. [Repealed]

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

A. Funeral service licensees, funeral directors or funeral embalmers shall be required to have completed a minimum of five hours per year of continuing education offered by a board-approved sponsor for licensure renewal in courses that emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession of funeral service.

1. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements. The one-hour requirement on compliance with laws and regulations may be met once every two years by

attendance at a meeting of the board or at a committee of the board or an informal conference or formal hearing.

2. One hour of the five hours required for annual renewal may 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. For the purposes of continuing education credit for volunteer service, an approved sponsor shall be a local health department or free clinic.

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

E. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

18VAC65-20-152. Continuing education providers.

A. Unless disqualified by action of the board, courses offered by the following providers are approved for continuing education credit:

1. Local, state or federal government agencies;
2. Regionally accredited colleges and universities; or
3. Board-recognized national, regional, state and local associations or organizations as follows:
 - a. National Funeral Directors Association and state chapters;
 - b. National Funeral Directors and Morticians Association and state chapters;
 - c. Association of Independent Funeral Homes of Virginia;
 - d. Cremation Association of North America;
 - e. American Board of Funeral Service Education;

f. International Conference of Funeral Service Examining Boards;

g. Virginia Morticians Association; and

h. Other similar associations or organizations as approved by action of the board.

B. Course providers not listed in subsection A of this section may apply for approval by the board as continuing education providers.

1. To be considered for board approval, a continuing education provider shall submit 60 days prior to offering a continuing education course:

a. Documentation of an instructional plan and course objectives for continuing education courses that meet the criteria set forth in 18VAC65-20-151 B;

b. A syllabus of the course or courses to be offered with the credentials of the course instructors, a description of each session, including number of continuing education hours; and

c. The continuing education provider fee set forth under 18VAC65-20-70.

2. Board approval of continuing education providers under this subsection shall expire on July 1 of each year and may be renewed upon resubmission of documentation on courses and instructors and the provider fee as required by the board.

3. ~~Renewal Continued approval~~ of a continuing education provider may be granted without submission of ~~the an additional course review provider~~ fee if the provider submits a statement that courses and instructors offered for the coming year will not change from the previous year. If there will be additions or alterations to the continuing education offerings of a provider, resubmission of ~~course~~ documentation and ~~an additional course review provider~~ fee is required.

4. If additional courses are submitted for Board approval beyond those courses submitted with an initial or renewal application, the continuing education provider shall remit the fee for review under 18VAC65-20-70.

C. Continuing education providers approved under subsection A or B of this section shall:

1. Maintain and provide to the board upon request documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of two years;

2. Monitor attendance at classroom or similar educational experiences for compliance with law and regulations; and

3. Provide a certificate of completion for licensees who successfully complete a course.

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

A. All licensees with active status are required to maintain original documentation of continuing education for a period of two years after the corresponding annual renewal period.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation within 14 days as follows:

1. Official transcripts showing credit hours earned from an accredited institution; or
2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the subject and purpose of the courses as prescribed in 18VAC65-20-151 B, the maintenance of records and the relevance of the courses to the category of licensure is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

18VAC65-20-154. Inactive license.

A. A funeral service licensee, funeral director, or embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee ~~of \$115~~ be issued an inactive license. ~~The fee for late renewal up to one year following expiration of an inactive license shall be \$40.~~

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service in Virginia.
2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, funeral director or embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and
2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

Part III. Requirements for Licensure.

18VAC65-20-160. [Repealed]

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

A. No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board. The name of the

funeral service licensee or licensed funeral director designated by the ownership to be manager of record of the establishment shall be included on the license.

B. 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. The owner of the establishment shall not abridge the authority of the manager of record relating to compliance with the laws governing the practice of funeral services and regulations of the board.

C. At least 30 days prior to opening an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A license shall not be issued until an inspection of the establishment has been completed and approved.

D. Within 30 days following a change of ownership, the owner or licensed manager shall request a reinspection of the establishment, submit an application for a new establishment license with documentation that identifies the new owner, and pay the licensure and reinspection fees as required by 18VAC65-20-70. Reinspection of the establishment may occur on a schedule determined by the board, but shall occur no later than one year from the date of the change.

E. The application for licensure of a branch or chapel shall specify the name of the main establishment and include an attestation of the affiliation of the branch or chapel and the main establishment.

F. In the event of an emergency requiring the evacuation or discontinued use of a funeral establishment, the impacted establishment may be approved by the board to continue operations out of another licensed funeral establishment for a period of no more than 30 days. The impacted establishment may request an extension of emergency operations for an additional 30 days upon good cause shown. In requesting approval for conducting emergency operations under this section, the impacted funeral establishment shall submit documentation that identifies the manager of record for both the impacted establishment and establishment for emergency operations and any agreement for emergency usage.

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

A. Every funeral establishment shall have a manager of record who is employed full time by and in charge of the establishment.

B. The manager shall be fully accountable for the operation of the establishment as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-700 during the period in which he serves as manager of record; ~~and~~
3. Reporting to the board of any changes in information as required by 18VAC65-20-60-; and

4. Correcting or seeking correction of any deficiencies identified during the course of an inspection of the establishment.

18VAC65-20-180 to 18VAC65-20-230. [Repealed]

18VAC65-20-235. Approval of educational programs.

All applicants for funeral service licensure are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

18VAC65-20-236. Requirements for Students Assisting with Embalming.

In accordance with § 54.1-2805 of the Code of Virginia, a student who is duly enrolled in a mortuary education program in the Commonwealth and who is not registered with the board as a funeral intern may assist in embalming in a funeral service establishment provided the following requirements are met:

1. The funeral establishment holds a current, unrestricted license issued by the board;
2. The funeral establishment and funeral service licensee or embalmer providing student supervision meet the accreditation standards of the American Board of Funeral Service Education and the Commission on Accreditation for off-campus embalming instruction;
3. Students shall receive instruction and shall observe embalming of a dead human body prior to assisting with an embalming in a funeral service establishment and shall assist with embalming in conjunction with an embalming laboratory course;
4. A funeral service licensee or embalmer may supervise up to three students under his immediate supervision, which shall mean the supervisor is physically and continuously present in the preparation room with the students to supervise each task to be performed;
5. A funeral service establishment shall include on the form granting permission to embalm information disclosing that the establishment is a training facility for mortuary education students and that a student may be assisting the licensee with embalming; and
6. The embalming report shall include the names of students assisting with an embalming and shall be signed by the supervisor.

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

A. Application requirements.

† Applicants shall submit official mortuary school transcripts and national examination board scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

~~2. An individual applying for the state examination shall submit the application package not less than 30 days prior to an examination date. The board may, for good cause shown by the applicant, waive the time for the filing of any application.~~

B. National examination requirements. Prior to applying for licensure by examination, every applicant shall pass the National Board Examination of the International Conference of Funeral Service Examining Boards.

C. State examination requirements. All applicants shall pass the Virginia State Board Examination.

18VAC65-20-250 to 18VAC65-20-340. [Repealed]

18VAC65-20-350. Requirements for licensure by reciprocity or endorsement. NO CHANGES!

A. Licenses for the practice of funeral service or its equivalent issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license or licenses may be granted a license to practice funeral service within the Commonwealth. Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service or its equivalent in another state, territory, or the District of Columbia and possesses credentials which are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

18VAC65-20-360 to 18VAC65-20-390. [Repealed]

Part IV. Registration.

18VAC65-20-400. Registration of surface transportation and removal services.

A. All persons applying to own or operate a surface transportation and removal service, according to requirements of §54.1-2819 of the Code of Virginia, shall submit an application package for registration which shall include:

1. A completed and signed application;
2. The fee prescribed in 18VAC65-20-70 A 3; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant, including, but not limited to, evidence of training *of the service manager and staff* in compliance with standards of the Occupational Safety and Health Administration (OSHA) for universal precautions and blood-borne pathogens, *and proof of bonding or liability insurance coverage related to the operation of the service*; and
4. The name of the manager for the service.

18VAC65-20-410. [Repealed]

18VAC65-20-420. Misrepresentation.

A person employed or operating a surface transportation and removal service shall not in any manner misrepresent himself to the public as being an official of any local jurisdiction, the Commonwealth, federal, or any other governmental body unless granted such authority. This shall include the name and title of the company or service, uniforms, equipment, vehicles, and any other instruments used or proffered by the services or its agents.

18VAC65-20-430. [Repealed]

18VAC65-20-435. Registration of crematories.

A. At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the board by submitting a completed application and fee as prescribed in 18VAC65-20-70. The name of the individual designated by the ownership to be the crematory manager shall be included on the application. The owner of the crematory shall not abridge the authority of the crematory manager relating to compliance with the laws governing the practice of funeral services and regulations of the board. *The designated crematory manager may be the manager of record of a funeral establishment co-located on the same premises.*

B. Every crematory, regardless of how owned, shall have a manager 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.

C. The manager shall be fully accountable for the operation of the crematory as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-436 during the period in which he serves as crematory manager; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

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. 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.

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.

F. Where a crematory application is pending and the conduct of a cremation is necessary to ensure the proper function of retort equipment, the Board may authorize the crematory to conduct a test cremation prior to registration. Once the crematory equipment is deemed functional and an initial crematory inspection is completed, the Board may issue the crematory a registration to operate.

G. F. The board may take disciplinary action against a crematory registration for a violation of § 54.1-2818.1 of the Code of Virginia or for the inappropriate handling of dead human bodies or cremains.

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

A. Authorization to cremate.

1. A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature in accordance with § 54.1-2818.1 of the Code of Virginia.
2. The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph *of the remains* signed by the person making the identification. Visual identification may be made by viewing unique identifiers or markings on the remains. The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
3. In the event visual identification is not feasible, a crematory may use other positive identification of the deceased in consultation with law enforcement, a medical examiner, or medical personnel as a prerequisite for cremation pursuant to § 54.1-2818.1 of the Code of Virginia.

B. Standards for cremation. The following standards shall be required for every crematory:

1. Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).
2. A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.
3. A crematory shall not cremate the human remains of more than one person simultaneously in the same chamber of the retort or cremation unit, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.
4. A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.
5. 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.

C. Handling of human remains.

1. 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. 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; and
- d. Be rigid enough for handling with ease.

2. 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. 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. If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used. 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.

3. The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container. 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. The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

D. Recordkeeping. 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 and 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; and
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.

Part V. Issuance of Courtesy Cards.

18VAC65-20-440. Courtesy cards.

A. An out-of-state person applying for a courtesy card pursuant to §54.1-2801 B of the Code of Virginia shall hold a valid license for funeral service, funeral directing, or embalming in another state, territory, or the District of Columbia.

B. An applicant for a courtesy card shall submit:

1. A completed application and prescribed fee; and
2. Verification of ~~a current funeral service license in good standing from the applicant's licensing authority.~~ current, unrestricted licensure for funeral service, funeral directing, or embalming from the licensing authorities in the states in which the courtesy card holder is licensed to practice.

C. The holder of a Virginia courtesy card shall only engage in the practice for which he is currently licensed in another jurisdiction. The privilege to practice shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia.

18VAC65-20-450 to 18VAC65-20-490. [Repealed]

Part VI. Refusal, Suspension, Revocation, and Disciplinary Action.

18VAC65-20-500. Disciplinary action.

In accordance with the provisions of §54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board:

1. Breach of confidence. The unnecessary or unwarranted disclosure of confidences by the funeral licensee.
2. Unfair competition.
 - a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.
 - b. Consent by a funeral service licensee or funeral director to take charge of a body unless authorized by the person or his agent having the legal right to disposition.
3. False advertising.
 - a. No licensee or registrant shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of §54.1-2806 of the Code of Virginia:

(1) Advertising containing inaccurate statements; and

(2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.

c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:

(1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and

(2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.

4. Inappropriate handling and storage of dead human bodies, consistent with § 54.1-2811.1 of the Code of Virginia and regulations of the board. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.

5. Failure to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.

6. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.

7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

8. Failure to register as a supervisor for a funeral service intern or failure to provide reports to the board as required by the Code of Virginia and 18VAC65-40-320.

9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.

10. Inappropriate sexual contact between a supervisor and a funeral service intern if the sexual contact is a result of the exploitation of trust, knowledge or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on the practice of funeral services or on intern training.

Part VII. Standards for Embalming and Refrigeration.

18VAC65-20-510. Embalming report.

A. In accordance with the provisions of subdivision 26 of § 54.1-2806 and subsection B of § 54.1-2811.1 of the Code of Virginia, express permission by a 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.

B. 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:

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.

5. If the embalming was assisted in by a mortuary science student, the name or names of the assisting students and the signature of the supervisor.

18VAC65-20-520. [Repealed]

18VAC65-20-530. [Repealed]

18VAC65-20-540. Preparation room requirements.

A. 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.

B. 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. All functions connected with embalming shall be performed within the preparation room.

18VAC65-20-550 to 18VAC65-20-560. [Repealed]

18VAC65-20-570. Condition of preparation room.

A. The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.

B. 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.

C. Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.

18VAC65-20-580. Preparation room equipment.

The preparation room or rooms shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal, fiberglass or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization *or disinfection* of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer or intern using the room;
11. An electric aspirator or hydroaspirator equipped with a vacuum breaker;
12. An eye wash station that is readily accessible; and
13. A standard first aid kit, which is immediately accessible, either in the preparation room or outside the door to the preparation room.

18VAC65-20-581. Refrigeration requirements.

A. 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 in accordance with subsection B of § 54.1-2811.1 of the Code of Virginia.

B. The mechanical refrigeration unit may be located in the funeral establishment or crematory, or the funeral establishment or crematory may enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration in a mechanical refrigeration unit.

C. 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.

18VAC65-20-590. Disposal of waste materials.

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.

18VAC65-20-600 to 18VAC65-20-610. [Repealed]

Part VIII. Pricing Standards and Forms.

18VAC65-20-620. [Repealed]

18VAC65-20-630. Disclosures.

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:

APPENDIX I - General Price List;

APPENDIX II - Casket Price List, Outer Burial Container Price List; and

APPENDIX III - Itemized Statement of Funeral Goods and Services Selected.

18VAC65-20-640 to 18VAC65-20-690. [Repealed]

18VAC65-20-700. Retention of documents.

A. The following retention schedule shall apply to retention of embalming reports, price lists, and itemized statements:

1. Price lists shall be retained for three years after the date on which they are no longer effective;
2. Itemized statements shall be retained for three years from the date on which the arrangements were made; and

3. Embalming reports shall be retained at the location of the embalming for three years after the date of the embalming.

B. The manager of record shall be responsible for retention and maintenance of all required documents.

C. Documents shall be maintained on the premises of the funeral establishment and made available for inspection.

D. In instances where the funeral establishment is sold, documents shall be transferred to the new owner, unless the existing firm is relocating to a new facility. The new owner shall retain transferred documents in accordance with the provisions of this section. Where transferred documents include preneed contracts, the documents shall be retained and maintained in accordance with the provisions of the Code of Virginia and regulations of the board.

DRAFT

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 of the container.)

C. Immediate burial with highest priced casket \$ _____

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 with a container provided by the purchaser 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 Containers \$ _____ 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.)

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 II

CASKET PRICE LIST

OUTER BURIAL CONTAINER PRICE LIST

Note to Establishments: The following Casket Price List and Outer Burial Container Price List has been prepared as a guideline. You must have lists that are identified separately for each or the Casket Price List may be included in the General Price List. All Casket Price Lists and Outer Burial 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.

These sample forms have 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. They may be placed in any location on the price lists.

Any Funeral Home
Main Street
Anytown, Virginia
Telephone Number

CASKET PRICE LIST

(* This price list may accompany or be included in the General Price List)

These prices are effective as of _____ (Date)

(Prices are subject to change without prior notice)

<u>Manufacturer</u>	<u>Description</u>	<u>Retail Price</u>
*List Manufacturers	*Describe Casket or Alternative Containers	\$ _____

(*Note: You are required to list sufficient identifying information in order that your families can tell the difference between one casket or alternative container over another.)

Any Funeral Home
Main Street
Anytown, Virginia
Telephone Number

OUTER BURIAL CONTAINER PRICE LIST

(* This price list may accompany or be included in the General Price List)

These prices are effective as of _____ (Date)

(Prices are subject to change without prior notice)

“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.”

[*Note: If your locality has an ordinance requiring an outer burial container, the above disclosure must start with the phrase, *“In most areas of the country,”*]

<u>Manufacturer</u>	<u>Description</u>	<u>Retail Price</u>
---------------------	--------------------	---------------------

*List Manufacturers	*Describe Containers	\$ _____
---------------------	----------------------	----------

(*Note: You are required to list sufficient identifying information in order that your families can tell the difference between one outer burial container over another.)

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 III

Any Funeral Home

Main Street - Anytown, Virginia - Telephone Number

ITEMIZED STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Funeral Services for _____

Date of Death _____ Today's Date _____

I. PROFESSIONAL SERVICES

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

II. FUNERAL HOME FACILITIES

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

B. Facilities and staff for funeral ceremony \$ _____

C. Facilities and staff for memorial service \$ _____

D. Equipment and staff for graveside service \$ _____

E. Other charges for staff or facilities (Itemized below) \$ _____

III. EMBALMING

"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."

A. Normal remains \$ _____

B. Autopsy remains \$ _____

Embalming authorized by: _____

(*Note: *Embalming authorization language* ~~N~~ot required on this form; could be a separate form.)

Reason for embalming:

(*Note: ~~Written authorization for embalming is optional, and Reason~~ for embalming could go on the disclosure page.)

IV. OTHER PREPARATION OF THE BODY

(* List below each preparation service that you offer and the price.)

V. IMMEDIATE BURIAL \$ _____

Charge includes: (* Briefly list what charge includes)

VI. DIRECT CREMATION \$ _____

Charge includes: (* Briefly list what charge includes)

VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT \$ _____

(* List separately only when you list it as a separate charge on your General Price List.)

VIII. FORWARDING REMAINS TO ANOTHER FUNERAL ESTABLISHMENT

Charge includes: (*Briefly list what charge includes) \$ _____

IX. RECEIVING REMAINS FROM ANOTHER FUNERAL ESTABLISHMENT

Charge includes: (*Briefly list what charge includes) \$ _____

X. AUTOMOTIVE EQUIPMENT AND SERVICES \$ _____

Local service beyond _____ miles, add \$ _____ per vehicle.

(*Note: This statement must be included if this is your practice. List below all automotive equipment that you offer as a service. Any vehicles that you must rent would be a cash advance item.)

XI. FUNERAL MERCHANDISE (*Describe items selected below)

A. Casket _____ \$ _____

B. Outer Burial Container _____ \$ _____

C. All other funeral merchandise provided:
_____ \$ _____

XII. ANTICIPATED CASH ADVANCE ITEMS

"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.)

_____ \$ _____

XIII. PACKAGES

\$ _____

List any in-house package and state what items package includes. Items do not have to be priced individually. You do not have to go back through the contract and itemize the separate prices.

XIV. SUMMARY (* Mark N/A if fee does not apply)

- A. Subtotal: Professional Services and Facilities \$ _____
- B. Subtotal: Funeral Merchandise \$ _____
- Virginia Sales Tax on Funeral Merchandise \$ _____
- C. Subtotal: Anticipated Cash Advances \$ _____
- PRELIMINARY TOTAL FUNERAL ACCOUNT** \$ _____
- Additional late purchase cash advances \$ _____
- FINAL TOTAL FUNERAL ACCOUNT** \$ _____

DISCLOSURES

"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:"

Warranty: "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."

ACKNOWLEDGEMENT AND AGREEMENT

(*Note: Describe your terms below)

TERMS AND PAYMENT

(*Note: Describe your terms of payment below)

_____ Signed	_____ Dated	_____ Co-signed	_____ Dated
_____ Street		_____ Street	
_____ City	_____ State	_____ City	_____ State
	_____ Zip		_____ Zip

ACCEPTANCE: (*Name of Funeral Establishment*) agrees to provide all services, merchandise and cash advances indicated on this Statement.

Licensed Funeral Director or Funeral Service Provider

Chapter 30. Regulations for Preneed Funeral Planning

Part I. General Provisions.

18VAC65-30-10. Definitions.

In addition to those defined in §54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Appointee" means the individual selected by the contract beneficiary to arrange a preneed funeral plan on behalf of the contract beneficiary.

~~"Capper," "steerer," or "shill" means a person who serves to entice another to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale.~~

"Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the behalf of the contract buyer. Cash advance items may include, but are not limited to, cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

"Consideration," "contract price," or "funds" means money, property, or any other thing of value provided to be compensation to a contract seller or contract provider for the funeral services and funeral goods to be performed or furnished under a preneed funeral contract. Consideration does not include late payment penalties and payments required to be made to a governmental agency at the time the contract is entered into.

"Contract" means a written, preneed funeral contract, and all documents pertinent to the terms of the contract under which, for consideration paid to a contract seller or a contract provider by or on behalf of a contract buyer prior to the death of the contract beneficiary, a person promises to furnish, make available, or provide funeral services or funeral goods after the death of a contract beneficiary.

"Contract beneficiary" means the individual for whom the funeral services and supplies are being arranged.

"Contract buyer" means the purchaser of the preneed contract.

"Contract provider" means the funeral establishment designated by the contract buyer and contracting with the contract buyer to provide for funeral services and supplies in the preneed funeral contract.

"Contract seller" means the funeral service licensee who makes the preneed arrangements with the contract buyer for the funeral service and who makes the financial arrangements for the service and the goods and supplies to be provided.

"Designee" means the individual designated to make arrangements for burial or final disposition of the remains pursuant to §54.1-2825 of the Code of Virginia.

"Funding source" means the trust agreement, insurance policy, annuity, personal property, or real estate used to fund the preneed plan.

"Funeral supplies and services" means the items of merchandise sold or offered for sale or lease to consumers that will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets, combination units, and catafalques. Funeral goods does not mean land or interests in land, crypts, lawn crypts, mausoleum crypts, or niches that are sold by a cemetery that complies with Chapter 23.1 (§54.1-2310 et seq.) of Title 54.1 of the Code of Virginia. In addition, "funeral supplies and services" does not mean cemetery burial vaults or other outside containers, markers, monuments, urns, and merchandise items used for the purpose of memorializing a decedent and placed on or in proximity to a place of interment or entombment of a casket, catafalque, or vault or to a place of inurnment that are sold by a cemetery operating in accordance with Chapter 23.1 of Title 54.1 of the Code of Virginia.

"Guaranteed contract price" means (i) the amount paid by the contract buyer on a preneed funeral contract, and income derived from that amount, or (ii) the amount paid by a contract buyer for a life insurance policy or annuity as the funding source and its increasing death benefit. These amounts shall be accepted as payment in full for the preselected funeral goods and services.

"Income" means the amount of gain received in a period of time from investment of consideration paid for a preneed contract.

"Nonguaranteed contract price" means the costs of items on a preneed funeral contract that are not fixed for the specified funeral goods or funeral services selected and nonguaranteed costs may increase from the date of the contract to the death of the contract beneficiary and the family or estate will be responsible for paying at the time of need for the services and supplies that were nonguaranteed. Cash advance items are not guaranteed.

18VAC65-30-20 to 18VAC65-30-30. [Repealed]

Part II. Sale of Preneed Plans.

18VAC65-30-40. [Repealed]

18VAC65-30-50. Solicitation.

A. In accordance with provisions of §54.1-2806 of the Code of Virginia, a licensee shall not initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees.

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee. *Funeral service interns shall not engage in preneed planning or sales.*

Part III. Operational Responsibilities.

18VAC65-30-60. Records; general.

A. A licensee shall keep accurate accounts, books, and records of all transactions required by this chapter.

B. Preneed contracts and reporting documents shall be retained on the premises of the establishment for ~~one~~three years after the death of the contract beneficiary.

C. A funeral home shall keep on file a written verification from the insurance company that the insurance or annuity contract complies with §54.1-2820 C of the Code of Virginia.

D. All preneed records shall be available for inspection by the Department of Health Professions.

18VAC65-30-70. Record reporting.

A. A contract provider shall keep a chronological or an 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, where the contract is funded, and where the funds are maintained;
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.

B. A contract provider who discontinues its business operations whether by closure or change of ownership shall notify the board and each existing contract buyer in writing prior to closure or within 60 days after a change in ownership. The notifications shall include the following:

1. A contract provider who discontinues its business operations by closure shall provide a current list of preneed contracts at the time of closure to the board.

2. A contract provider who discontinues its business operations by closure shall include a statement in the written notification to each existing contract buyer regarding his right to change the contract provider at any time prior to at-need.

3. Where a contract provider changes ownership, the notification shall include any name or address change and whether the new establishment intends to honor or dishonor existing contracts.

[Board consider whether notification with change of ownership is to each individual contract buyer or by public notification means.]

Part IV. Contract.

18VAC65-30-80. Content and format.

A. A person residing or doing business within the Commonwealth shall not make, either directly or indirectly by any means, a preneed contract unless the contract buyer has been given in writing all information and disclosures required by law and regulation.

B. 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.

C. If an appointee agreement has been signed, it shall be attached to the preneed contract as a valid part of the contract.

Part V. Disclosures.

18VAC65-30-90. Disclosures.

A. At the time of the inquiry, licensees shall furnish to each person inquiring about preneed arrangements a copy of the general price list and preneed disclosure questions and answers.

B. Immediately upon concluding the arrangement conference, licensees shall furnish to each person who makes a preneed arrangement a copy of the preneed contract and funding contract. *Licensees shall receive a written acknowledgment from the contract buyer that he has received a copy of the general price list and preneed disclosure questions and answers.*

C. An itemized statement of funeral goods and services shall be given at the time of need even if the arrangements were made through a preneed contract.

Part VI. Funding.

18VAC65-30-100. Finance charges prohibited.

A licensee shall not charge finance charges on a preneed arrangement.

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

A. Any person who makes payment under this contract may terminate the agreement at any time prior to the time for which the services or supplies are furnished.

B. If the contract buyer terminates the contract within 30 days of the execution of the contract, the contract buyer shall be refunded all consideration paid or delivered and any interest or income accrued on it.

C. If the contract buyer uses a revocable trust as the funding source and terminates the contract after 30 days of the execution of the contract, the contract buyer shall be refunded:

1. All consideration paid or delivered on nonguaranteed items;
2. At least 90% of all consideration paid for guaranteed items; and
3. All interest or income accrued on it.

D. If the contract buyer uses an irrevocable trust as the funding source, the contract buyer is not able to cancel the trust after 30 days following its execution except in accordance with § 64.2-729 and 64.2-730 of the Code of Virginia.

E. The contract buyer shall have the right to change the contract provider and the trustee at any time prior to the furnishing of the services or supplies contracted for under the preneed contract.

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.

18VAC65-30-130. Real estate.

When the consideration consists in whole or in part of any real estate, the following shall occur:

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.

18VAC65-30-140. Personal property.

When the consideration consists in whole or in part of any personal property, the following shall occur:

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.

18VAC65-30-150 to 18VAC65-30-160. [Repealed]

18VAC65-30-170. Trust accounts.

If funds are to be trusted, the trust account is to be established according to provisions of §§54.1-2822 and 54.1-2824 of the Code of Virginia and 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.

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

If a life insurance or annuity policy is used to fund the preneed funeral contract, the contract shall be in compliance with provisions of §§ 38.2-3100.3 and 54.1-2820 ~~B~~ C of the Code of Virginia and 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.

18VAC65-30-190. [Repealed]

Part VII. Supplies and Services.

18VAC65-30-200. Supplies and services.

A. 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.

B. If any funeral supplies are sold and delivered to the contract provider prior to the death of the contract beneficiary, the risk of loss or damage shall be upon the contract provider during such period of storage.

C. If the particular supplies and services specified in the contract are unavailable at the time of delivery, the contract provider shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

Part VIII. Required Content of Contracts and Disclosures.

18VAC65-30-210. [Repealed]

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

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

PRENEED FUNERAL CONTRACT

For: (Name of Recipient of Services)

_____ (Zip) _____

I. SUPPLIES AND SERVICES PURCHASED

If the prices of goods and services are guaranteed and your contract is fully paid or funded at the time of your death, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)

If the [prices] of goods and services are nonguaranteed, your family or estate may incur additional cost for goods and services, as the prices for these items may increase from the date of the contract to the time of need. Cash advance items are not guaranteed. A cash advance item is any item obtained from a third party by the funeral home on your behalf. Cash advance items may include, but are not limited to, cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

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 an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased

- I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF \$ _____

- II. FUNERAL HOME FACILITIES
 - A. Facilities and Staff for visitation/viewing \$ _____
 - B. Facilities and Staff for funeral ceremony \$ _____
 - C. Facilities and Staff for memorial service \$ _____
 - D. Equipment and Staff for graveside service \$ _____

(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)

III. EMBALMING

- A. Normal remains \$ _____

B. Autopsy remains \$ _____

IV. OTHER PREPARATION OF THE BODY \$ _____

(NOTE: List all items that you placed under Other Preparation on your General Price List.)

V. IMMEDIATE BURIAL \$ _____

VI. DIRECT CREMATION \$ _____

VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT \$ _____

VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME \$ _____

IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME \$ _____

X. AUTOMOTIVE EQUIPMENT

A. Hearse \$ _____

B. Limousine \$ _____

(NOTE: List all others that you placed on General Price List.)

XI. FUNERAL MERCHANDISE

A. Casket (*describe) _____ \$ _____

B. Outer Burial Container (*describe) _____ \$ _____

C. List any others _____ \$ _____

Supplies Purchased

Clothing \$ _____

Temporary marker	\$ _____
Acknowledgment cards	\$ _____
Register/attendance books	\$ _____
Memorial folders	\$ _____
Other	\$ _____

SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED: \$ _____

XII. PACKAGE PRICES

(NOTE: List all package prices by name.)

SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED: \$ _____

Nonguaranteed Goods and Services Purchased

The actual prices of goods and services below are NOT GUARANTEED. ~~These items may include, but not be limited to, obituary notices, death certificates, cemetery fees, flowers, sales tax, etc.~~ The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:

SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS: \$ _____

GRAND TOTAL FOR PRENEED ARRANGEMENTS

1. Total cost of (guaranteed) services purchased \$ _____
2. Total cost of (guaranteed) supplies purchased \$ _____
3. Total estimated cost of nonguaranteed items \$ _____

GRAND TOTAL \$ _____

The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR FITNESS FOR A

PARTICULAR PURPOSE are extended by the (funeral home) _____.

II. GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

- A. Buyer:
- B. Funeral Home Providing Services:
- C. Contract seller:
Employed by: (Funeral Home)
Virginia Funeral Director ~~Director~~ Service License Number:

III. METHOD OF FUNDING

Method of Funding

A. Insurance

B. A. Trust

The following information will be given if a trust is used to fund this agreement:

1. Amount to be trusted:
2. Name of trustee:
3. Disposition of Interest:
4. Fees, expenses, taxes deducted from earned interest:
5. Buyer's responsibility for taxes owned on interest:

B. Insurance or Annuity Contract

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. I. Buyer:

~~B.~~ 2. Insurance Company:

~~C.~~ 3. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral ~~Director~~ Service Licensee in Virginia: ___yes ___no

Funeral Director License Number (If Applicable):

Employed by Funeral Home (If Applicable):

~~D.~~ 4. The life insurance or annuity contract provides either that:

_____ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States; or

_____ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.

III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233

Telephone Number 804-367-4479

Toll Free Number 1-800-533-1560 (Complaint line)

IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

By signing this contract, contract seller acknowledges that the General Price List and the required disclosures have been furnished to the buyer.

V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):

_____ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page _____ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

_____ The prices for items under supplies and services are not guaranteed.

VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

(Designee of Funeral Home)

(Buyer)

(Funeral Home)

(Contract Date)

VIII. PENALTIES OR RESTRICTIONS

The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.

~~1. A.~~ (Insert geographic restrictions);

~~2. B.~~ (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);

~~3. C.~~ (Insert a description of any other circumstances ~~which~~ *that* apply);

~~4. D.~~ (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

~~A. 1.~~ The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and

~~B. 2.~~ The representative of the deceased shall have the right to choose the supplies or services to be substituted.

IX. ADDENDUM TO PRENEED CONTRACT ~~Addendum to Preneed Contract~~

APPOINTEE AGREEMENT

I appoint _____ of (address) _____ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is _____.

Contract Beneficiary: _____ Date: _____

I accept the request of (contract beneficiary) _____ to assist with his/her preneed arrangements.

Appointee: _____ Date: _____

The foregoing was acknowledged before me this _____ day of _____, 19 20

Notary: _____

Date Commission Expires: _____

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

The following disclosure statements shall be provided as a part of any contract used for preneed funeral planning:

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

PRENEED CONTRACTS

-- Is there more than one type of preneed agreement?

Yes. Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Nonguaranteed *contracts* means just the opposite. *Nonguaranteed costs may increase or decrease between the time of the agreement and the time of need. A preneed contract may have both guaranteed and nonguaranteed costs.* (See the section entitled "General Funding Information" for more information on guaranteed and nonguaranteed costs.)

Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.

-- What are my protections?

You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.

You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.

CANCELLATION

-- Can I cancel my preneed agreement if I change my mind? Will I get my money back?

You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust (*revocable or irrevocable*), the contract seller will refund all the money you have paid plus any interest or income you have earned.

If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30-day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.

There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)

If you have funded your preneed arrangement through an irrevocable trust, you will not be able to cancel the trust agreement or receive a refund *AFTER* 30 days following *the signing of the agreement its executive* except in accordance with §§ 64.2-729 *and 64.2-730* of the Code of Virginia.

If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.

PAYMENT

-- What happens to my money after the contract is signed?

Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your account prior to receiving the supplies and services under the preneed contract.

Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.

You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.

-- May I pay for goods and services with real estate or personal property?

Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.

If you pay for goods and services with personal property other than cash or real estate, the contract seller, will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The contract seller will confirm in writing that he has received property.

You may decide not to transfer the title of the personal property to the contract seller of your preneed contract. In this situation, you will have to submit information to the contract seller in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.

In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be a separate document.

GENERAL FUNDING INFORMATION

-- If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?

There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose ~~could have insufficient~~ *may not have enough* value to cover all expenses *at the time of need*.

-- What happens if my funding is not enough to cover the full cost of these arrangements?

If the entire funeral or specific items in the agreement are guaranteed by the contract seller, your family or estate will not have to pay any more for those items provided that you have paid the grand total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one lump sum, your account may not be enough at the time of your death to cover everything.

-- What happens to the extra money if my funding is more than what is needed to pay for these arrangements?

Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.

After funeral expenses are paid, there may be money left over. Because of the ongoing risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.

Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.

The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements.

Please review your preneed contract and/or funding agreement for answers to these questions.

-- What happens to my preneed contract if I change my assignment from one funeral home to another?

(Funeral home shall place answer here)

-- What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding:?

If you make such changes, it could void your contract. You should request specific information from the contract seller and the funding arrangement.

-- What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?

(Funeral home shall place answer here)

-- Do I get any money back if I surrender or cancel my funding arrangements?

(Funeral home shall place answer here)

-- What happens if the funeral home closes? Will I be able to transfer my contract to another funeral home?

You have the right to change the funeral home (contract provider) at any time prior to receiving services or supplies under the preneed contract. [Additional?]

TRUST ACCOUNT

-- If my money goes into a trust account, what information will I receive about that account?

If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account, the name of the trustee, information about what happens to the interest your trust account will earn, and information about your responsibility to file and pay taxes on that interest.

If there are filing expenses connected with your trust account, you will be notified what the expenses are and whether you or the contract seller is the responsible party for paying those.

-- What happens to the interest earned by the trust?

The interest earned by the trust may be handled in different ways by different trust arrangements. The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account.

Some trust accounts cannot be cancelled.

There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your contract seller for a written list of any fees so you will have a clear understanding about them before you sign the contract.

-- If I pay my trust in premium payments, what happens if I die before the grand total of the funeral has been placed in trust?

(Funeral home shall place answer here)

CLAIMS AGAINST THIS CONTRACT

-- Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?

No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.

-- Can the money or property be taxed?

No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.

GENERAL GOODS AND SERVICES

-- If I choose goods and services that might not be available at the time of my death, what is the provider required to do?

The funeral home which you select is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death.

Your representative or next-of-kin will have the right to choose the supplies or services to be substituted. However, if the substitute is more expensive than the item originally selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.

If, before your death, the funeral home goes out of business or is otherwise unable to fulfill its obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.

If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.

-- May I choose the exact item I want now and have the funeral home store it until my death?

If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or contract seller agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.

For example, what would happen if you select a casket which is in-stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (i)

damage occurs, (ii) the funeral home or supplier goes out of business, (iii) the funeral home or supplier is sold, etc.? You need to be assured in writing of protection in these types of situations.

-- What happens if I choose to have a unique service that is not customary or routine in my community? Must the funeral home comply with my wishes?

The funeral home which you have chosen to conduct your service may be able to ~~only~~ provide *only* certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract.

If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of fees which you will be charged.

-- Will the funeral home agree to transport my body to another area for burial?

Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.

If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.

-- I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?

This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the fees involved if they can be determined and guaranteed at this time.

However, the preneed contract arrangements and funding is considered portable. This means that they are available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.

PRICING

-- How will I know that the prices of items which I select are the same for everyone?

The funeral home maintains a general price list and a casket and outer burial container price list. Your contract seller will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the contract seller will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges.

-- What is meant by guaranteed and nonguaranteed prices?

Some contract sellers may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

Guaranteed prices are those that will not increase for your family or estate at the time of your death, provided your preneed contract is fully paid for or funded at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns.

Nonguaranteed prices are those which might increase or decrease between the time of the preneed contract and the time of your death. The nonguaranteed prices may be written in at the time of this contract with your understanding that the price is an estimate only and may increase or decrease. A settlement ~~to that effect~~ of any difference in the estimated cost and the cost at death may have to be made with your family or representative after your death. Examples of prices that are often not guaranteed include those for cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, obituary notices, gratuities, and death certificates.

-- Can the contract seller and I negotiate a projected charge for the nonguaranteed items based on the rate of inflation?

It is entirely up to the contract seller to inform you of the funeral home policy in that regard.

CASKETS AND CONTAINERS

-- Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

-- Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

-- Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

EMBALMING

-- Is embalming always required?

~~Except in certain special cases, e~~Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for embalming you did not approve if you select arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.

RECORDS

-- What should I do with my preneed contract and documents?

A preneed contract is a legal document. You should keep a copy of your preneed contract and related documentation as you would any similar legal document - in a safe place, with the person designated to make your arrangements, with a family member, etc.

-- Will the funeral home keep a copy of the preneed contract?

The funeral home is required to maintain a copy of the preneed contract on file prior to and after need. Preneed contracts and documents related to reporting are required to be kept by the funeral home for [one] year after your death.

-- What if the funeral home closes or changes ownership?

A funeral home that closes or changes ownership shall provide written notice to each existing contract holder prior to closure or within 60 days after a change of ownership. The notification should include information on any name or address change and whether the new funeral home, if any, intends to honor existing contracts. When a funeral home closes, the notification should also include a statement regarding your right to transfer your contract to another funeral home.

ASSISTANCE

-- This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?

You may designate in writing a person of your choice to work with the funeral home and contract seller either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.

-- Where can I complain if I have a problem concerning my preneed contract, the contract seller, or the funeral home?

You may direct your complaints or concerns to:

The Board of Funeral Directors and Embalmers Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233

Telephone Number (804) 367-4479

Toll Free Number 1-800-533-1560 (*Complaints*)

Fax: (804) 527-4413

DRAFT

RECIPROCAL AGREEMENT

Between

Virginia Board of Funeral Directors and Embalmers
Virginia Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
(804) 367-4479

and

District of Columbia Board of Funeral Directors
Department of Consumer and Regulatory Affairs
Occupational and Professional Licensing Administration
1100 4th Street, SW, Suite E500
Washington, DC 20024
(202) 442-4320

The Virginia Board of Funeral Directors and Embalmers (hereinafter "Virginia Board") and the District of Columbia Board of Funeral Directors (hereinafter "DC Board") hereby enter into a reciprocal licensure agreement. Under such agreement, the parties agree as follows:

- A. The Virginia Board agrees to accept for licensure a candidate who has been granted licensure in the District of Columbia, provided that the license:
1. Is a primary license issued by the DC Board and the licensee has graduated from an accredited school or college of mortuary science and has successfully passed the National Board Exam of the International Conference of Funeral Service Examining Boards;
 2. Is a license for both funeral director and embalmer; and
 3. Is current and in good standing.

The candidate must successfully pass the Virginia State Board Examination to fully qualify for Virginia licensure. The candidate will pay all required fees and will request submission of a license verification from the DC Board to the Virginia Board that attests to the following:

1. The license issued in the District of Columbia is a primary license;
2. The license issued in the District of Columbia is a dual license for both funeral directing and embalming; and
3. The license issued in the District of Columbia is current and unrestricted by disciplinary action.

B. The DC Board agrees to accept for licensure a candidate who has been granted licensure in Virginia, provided that the license:

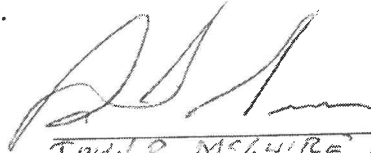
1. Is a primary license issued by the Virginia Board and the licensee has graduated from an accredited school or college of mortuary science and has successfully passed the National Board Exam of the International Conference of Funeral Service Examining Boards;
2. Is a license for both funeral director and embalmer; and
3. Is current and in good standing.

The candidate must successfully pass the DC Funeral Director Law Exam to fully qualify for DC licensure. The candidate will pay all required fees and will request submission of a licensure verification from the Virginia Board to the DC Board that attests to the following:

1. The license issued in Virginia is a primary license;
2. The license issued in Virginia is a dual license for both funeral directing and embalming; and
3. The license issued in Virginia is current and unrestricted by disciplinary action.

Agreed to and signed this _____ day of _____, 2019, by the Virginia Board of Funeral Directors and Embalmers. Agreed to and signed this 2 day of MAY, 2019, by the District of Columbia Board of Funeral Directors.

Joseph Frank Walton, FSL, President
Virginia Board of Funeral Directors and
Embalmers



JOHN R. MCGUIRE, Chair
District of Columbia Board of Funeral
Directors

Date

2 MAY 2019

Date

New Business

Virginia's Funeral Service Provider Workforce: 2019

Healthcare Workforce Data Center

April 2019

Virginia Department of Health Professions
Healthcare Workforce Data Center
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233
804-367-2115, 804-527-4466 (fax)
E-mail: HWDC@dhp.virginia.gov

Follow us on Tumblr: www.vahwdc.tumblr.com
Get a copy of this report from: <https://www.dhp.virginia.gov/hwdc/findings.htm>

More than 1,000 Funeral Service Providers voluntarily participated in this survey. Without their efforts, the work of the center would not be possible. The Department of Health Professions, the Healthcare Workforce Data Center, and the Board of Funeral Directors and Embalmers express our sincerest appreciation for your ongoing cooperation.

Thank You!

Virginia Department of Health Professions

David E. Brown, DC
Director

Barbara Allison-Bryan, MD
Chief Deputy Director

Healthcare Workforce Data Center Staff:

Elizabeth Carter, PhD
Director

Yetty Shobo, PhD
Deputy Director

Laura Jackson, MSHSA
Operations Manager

Rajana Siva, MBA
Research Analyst

Christopher Coyle
Research Assistant

Virginia Board of Funeral Directors and Embalmers

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Virginia Beach

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Midlothian

Kenneth Scott Hickey, MD
Maidens

Executive Director

Corie E. Tillman Wolf, JD

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The Funeral Service Provider Workforce: At a Glance:

The Workforce

Licensees:	1,582
Virginia's Workforce:	1,300
FTEs:	1,495

Background

Rural Childhood:	53%
HS Diploma in VA:	69%
Prof. Degree in VA:	49%

Current Employment

Employed in Prof.:	86%
Hold 1 Full-Time Job:	73%
Satisfied?:	96%

Survey Response Rate

All Licensees:	69%
Renewing Practitioners:	75%

Education

Associate:	75%
Baccalaureate:	16%

Job Turnover

Switched Jobs:	4%
Employed Over 2 Yrs.:	78%

Demographics

Female:	30%
Diversity Index:	38%
Median Age:	54

Finances

Median Inc.:	\$50k-\$60k
Retirement Benefits:	43%
Under 40 w/ Ed Debt:	43%

Time Allocation

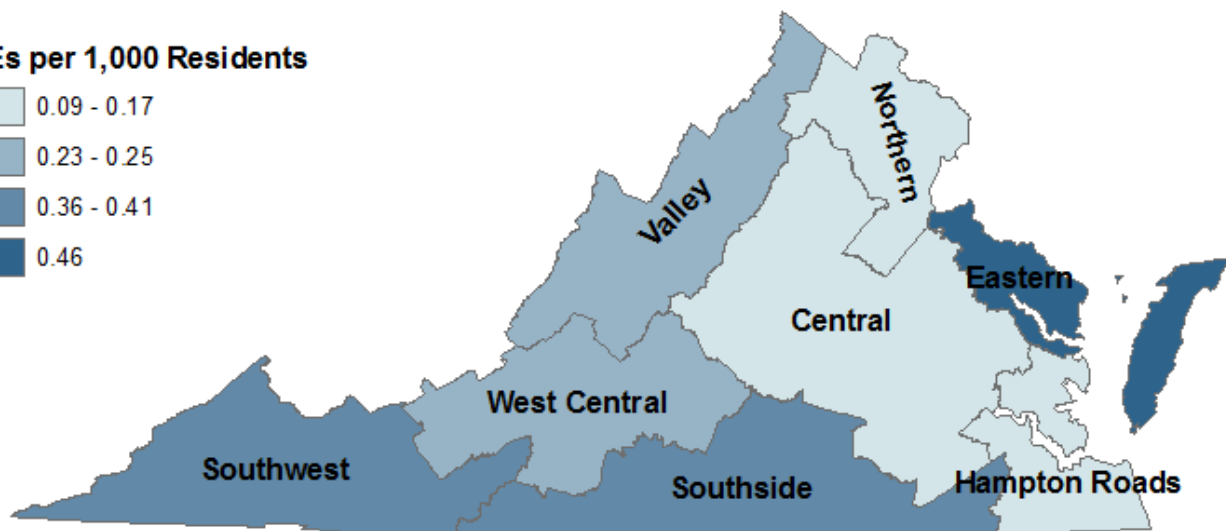
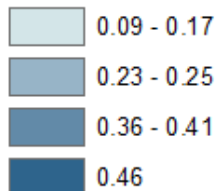
Client Care:	40-49%
Administration:	40-49%
Client Care Role:	30%

Source: Va. Healthcare Workforce Data Center

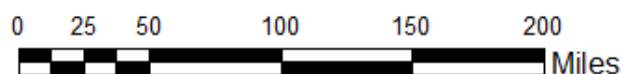
Full Time Equivalency Units Provided by Funeral Service Providers per 1,000 Residents by Virginia Performs Region

Source: Va Healthcare Workforce Data Center

FTEs per 1,000 Residents



Annual Estimates of the Resident Population: July 1, 2017
Source: U.S. Census Bureau, Population Division



More than 1,000 Funeral Service Providers (FSPs) voluntarily took part in the 2019 Funeral Service Provider Workforce Survey. The Virginia Department of Health Professions' Healthcare Workforce Data Center (HWDC) administers the survey during the license renewal process, which takes place every March for FSPs. These survey respondents represent 69% of the 1,582 FSPs who are licensed in the state and 75% of renewing practitioners.

The HWDC estimates that 1,300 FSPs participated in Virginia's workforce during the survey period, which is defined as those FSPs who worked at least a portion of the year in the state or who live in the state and intend to return to work as a FSP at some point in the future. Over the past year, Virginia's FSP workforce provided 1,495 "full-time equivalency units".

The median age of Virginia's FSP workforce is 54. In addition, 30% of all FSPs are female, including 52% of those FSPs who are under the age of 40. In total, 21% of all FSPs in the state are under the age of 40. There is a 38% chance that two randomly chosen FSPs would be of a different race or ethnicity, a measure known as the diversity index. This makes Virginia's FSP workforce less diverse than the state's overall population, which has a diversity index of 57%.

More than half of all FSPs grew up in a rural area, and 37% of these professionals currently work in non-metro areas of the state. In total, nearly one-quarter of all FSPs work in non-metro areas of Virginia. More than three out of every four FSPs have some educational background in the state. One out of every five FSPs currently carry education debt, including 43% of those FSPs who are under the age of 40. The median debt burden of those with education debt is between \$10,000 and \$20,000.

More than 85% of all FSPs are currently employed in the profession, while only 1% of FSPs have been involuntarily unemployed during the past year. Nearly all FSPs work in the for-profit sector. The median annual income for Virginia's FSPs is between \$50,000 and \$60,000. In addition, 70% of FSPs receive at least one employer-sponsored benefit, including 54% who have access to health insurance. Overall, 96% of all FSPs are satisfied with their current employment situation, including 78% who indicate that they are "very satisfied".

Summary of Trends

Since 2017, the number of licensed FSPs has increased by 2% (1,582 vs. 1,557). These licensees are far more likely to respond to the HWDC Funeral Service Provider survey (69% vs. 50%). In addition, the size of the FSP workforce has increased by an even larger 5% (1,300 vs. 1,239), and the number of FTEs provided by this workforce has increased by 18% (1,495 vs. 1,263).

The percentage of females in Virginia's FSP workforce has increased since 2017 (30% vs. 26%). This is also the case among those FSPs who are under the age of 40 (52% vs. 46%). On the other hand, the diversity index of Virginia's FSPs has actually decreased (38% vs. 41%) even though the diversity index of Virginia's overall population has increased. At the same time, Virginia's FSPs have also become less likely to grow up in a rural area (53% vs. 56%).

FSPs have become less likely to have some educational background in the state (76% vs. 80%). The state's FSP workforce is more likely to have earned a Baccalaureate degree as their highest professional degree (16% vs. 14%) in lieu of an Associate degree (75% vs. 77%). FSPs who are under the age of 40 are more likely to carry education debt (43% vs. 41%), but the median debt amount has fallen (\$10,000-\$20,000 vs. \$20,000-\$30,000).

FSPs are less likely to hold one-full-time job (73% vs. 76%) or work between 40 and 49 hours per week (48% vs. 50%). Although there has been no change in the median annual income of Virginia's FSPs, they are more likely to receive this income in the form of a salary or commission (66% vs. 64%). FSPs are more likely to work in Northern Virginia (19% vs. 17%) and Central Virginia (19% vs. 17%) but less likely to work in Hampton Roads (17% vs. 20%). At their primary work location, FSPs are more likely to fill a client care role (30% vs. 27%) and an administrative role (27% vs. 23%).

A Closer Look:

Licensees		
License Status	#	%
Renewing Practitioners	1,438	91%
New Licensees	53	3%
Non-Renewals	91	6%
All Licensees	1,582	100%

Source: Va. Healthcare Workforce Data Center

HWDC surveys tend to achieve very high response rates. Three out of every four renewing FSPs submitted a survey. These represent 69% of FSPs who held a license at some point in the past year.

Definitions

- 1. The Survey Period:** The survey was conducted in March 2019.
- 2. Target Population:** All FSPs who held a Virginia license at some point between April 2018 and March 2019.
- 3. Survey Population:** The survey was available to those who renewed their licenses online. It was not available to those who did not renew, including some FSPs newly licensed in the past year.

Statistic	Response Rates		
	Non Respondents	Respondents	Response Rate
By Age			
Under 35	48	105	69%
35 to 39	37	109	75%
40 to 44	43	92	68%
45 to 49	48	131	73%
50 to 54	55	150	73%
55 to 59	48	132	73%
60 to 64	49	137	74%
65 and Over	156	242	61%
Total	484	1,098	69%
New Licenses			
Issued in Past Year	32	21	40%
Metro Status			
Non-Metro	102	227	69%
Metro	322	657	67%
Not in Virginia	60	214	78%

Source: Va. Healthcare Workforce Data Center

Response Rates	
Completed Surveys	1,098
Response Rate, All Licensees	69%
Response Rate, Renewals	75%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Licensed FSPs

Number: 1,582
 New 3%
 Not Renewed: 6%

Response Rates

All Licensees: 69%
 Renewing Practitioners: 75%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Workforce

FSP Workforce: 1,300
 FTEs: 1,495

Utilization Ratios

Licenses in VA Workforce: 82%
 Licenses per FTE: 1.06
 Workers per FTE: 0.87

Source: Va. Healthcare Workforce Data Center

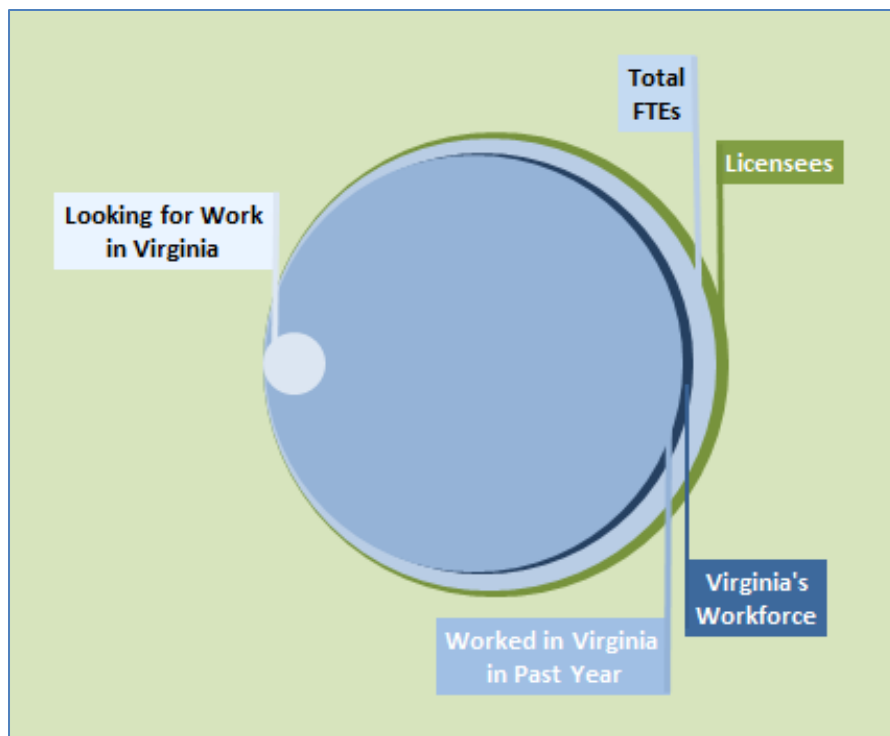
Virginia's FSP Workforce		
Status	#	%
Worked in Virginia in Past Year	1,271	98%
Looking for Work in Virginia	28	2%
Virginia's Workforce	1,300	100%
Total FTEs	1,495	
Licenses	1,582	

Source: Va. Healthcare Workforce Data Center

Definitions

- 1. Virginia's Workforce:** A licensee with a primary or secondary work site in Virginia at any time in the past year or who indicated intent to return to Virginia's workforce at any point in the future.
- 2. Full Time Equivalency Unit (FTE):** The HWDC uses 2,000 (40 hours for 50 weeks) as its baseline measure for FTEs.
- 3. Licenses in VA Workforce:** The proportion of licenses in Virginia's Workforce.
- 4. Licenses per FTE:** An indication of the number of licenses needed to create 1 FTE. Higher numbers indicate lower licensee participation.
- 5. Workers per FTE:** An indication of the number of workers in Virginia's workforce needed to create 1 FTE. Higher numbers indicate lower utilization of available workers.

This report uses weighting to estimate the figures in this report. Unless otherwise noted, figures refer to the Virginia Workforce only. For more information on HWDC's methodology visit: www.dhp.virginia.gov/hwdc



Source: Va. Healthcare Workforce Data Center

A Closer Look:

Age & Gender						
Age	Male		Female		Total	
	#	% Male	#	% Female	#	% in Age Group
Under 35	47	43%	61	57%	107	11%
35 to 39	50	53%	45	47%	95	10%
40 to 44	41	54%	36	46%	77	8%
45 to 49	67	63%	39	37%	106	11%
50 to 54	97	74%	34	26%	131	14%
55 to 59	91	82%	20	18%	111	12%
60 to 64	91	79%	24	21%	115	12%
65 and Over	183	88%	24	12%	208	22%
Total	668	70%	283	30%	951	100%

Source: Va. Healthcare Workforce Data Center

Race & Ethnicity					
Race/ Ethnicity	Virginia*	Funeral Service Providers		FSPs Under 40	
	%	#	%	#	%
White	62%	732	75%	154	77%
Black	19%	214	22%	34	17%
Asian	7%	3	0%	1	1%
Other Race	0%	3	0%	0	0%
Two or More Races	3%	5	1%	4	2%
Hispanic	9%	15	2%	6	3%
Total	100%	972	100%	199	100%

*Population data in this chart is from the US Census, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States, States, and Counties: July 1, 2017.

Source: Va. Healthcare Workforce Data Center

At a Glance:

Gender
 % Female: 30%
 % Under 40 Female: 52%

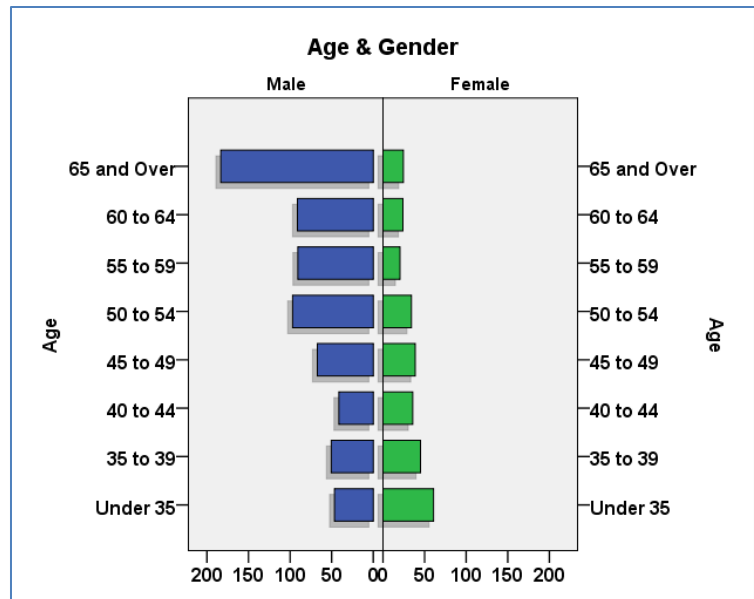
Age
 Median Age: 54
 % Under 40: 21%
 % 55 and Over: 46%

Diversity
 Diversity Index: 38%
 Under 40 Div. Index: 37%

Source: Va. Healthcare Workforce Data Center

In a chance encounter between two FSPs, there is a 38% chance they would be of a different race/ethnicity (a measure known as the diversity index). For Virginia's population as a whole, the comparable number is 57%.

More than 20% of all FSPs are under the age of 40, and 52% of these professionals are female. In addition, the diversity index among FSPs who are under the age of 40 is 37%.



Source: Va. Healthcare Workforce Data Center

At a Glance:

Childhood

Urban Childhood: 15%
Rural Childhood: 53%

Virginia Background

HS in Virginia: 69%
Prof Ed. in VA: 49%
HS or Prof Ed. in VA: 76%

Location Choice

% Rural to Non-Metro: 37%
% Urban/Suburban to Non-Metro: 9%

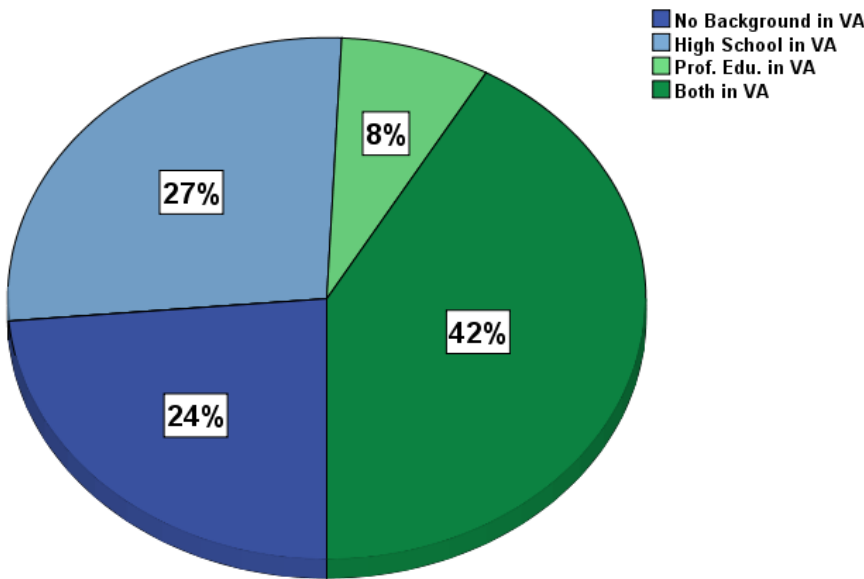
Source: Va. Healthcare Workforce Data Center

A Closer Look:

Primary Location: USDA Rural Urban Continuum		Rural Status of Childhood Location		
Code	Description	Rural	Suburban	Urban
Metro Counties				
1	Metro, 1 Million+	35%	43%	22%
2	Metro, 250,000 to 1 Million	58%	32%	11%
3	Metro, 250,000 or Less	65%	15%	19%
Non-Metro Counties				
4	Urban Pop. 20,000+, Metro Adjacent	70%	23%	8%
6	Urban Pop., 2,500-19,999, Metro Adjacent	85%	10%	5%
7	Urban Pop., 2,500-19,999, Non-Adjacent	84%	14%	2%
8	Rural, Metro Adjacent	88%	12%	0%
9	Rural, Non-Adjacent	94%	6%	0%
Overall		53%	31%	15%

Source: Va. Healthcare Workforce Data Center

Educational Background in Virginia



Source: Va. Healthcare Workforce Data Center

More than half of all FSPs grew up in a rural area, and 37% of this group currently work in non-metro areas of the state. Overall, 24% of FSPs currently work in non-metro areas of Virginia.

Top Ten States for FSP Recruitment

Rank	All FSPs			
	High School	#	Professional School	#
1	Virginia	656	Virginia	459
2	Pennsylvania	42	Georgia	114
3	North Carolina	36	Ohio	74
4	New York	32	Pennsylvania	73
5	Maryland	25	New York	40
6	West Virginia	21	Maryland	26
7	Ohio	12	Indiana	22
8	Illinois	10	Washington, D.C.	19
9	Michigan	9	North Carolina	18
10	Tennessee	8	Tennessee	12

Source: Va. Healthcare Workforce Data Center

More than two-thirds of all FSPs earned their high school degree in Virginia, and 49% also received their initial professional degree in the state.

Among FSPs who received their initial license in the past five years, 56% earned their high school degree in Virginia, while 57% received their initial professional degree in the state.

Rank	Licensed in the Past 5 Years			
	High School	#	Professional School	#
1	Virginia	89	Virginia	91
2	Maryland	7	Pennsylvania	16
3	Pennsylvania	6	Georgia	8
4	North Carolina	6	Illinois	6
5	South Carolina	5	Washington, D.C.	6
6	Texas	4	Texas	5
7	New York	4	California	4
8	Tennessee	4	Ohio	4
9	California	3	North Carolina	4
10	Hawaii	3	New York	3

Source: Va. Healthcare Workforce Data Center

Nearly 20% of Virginia's licensees were not part of the state's FSP workforce. More than four out of every five of these licensees worked at some point in the past year, including 72% who worked as FSPs.

At a Glance:

Not in VA Workforce

Total:	282
% of Licensees:	18%
Federal/Military:	3%
VA Border State/DC:	32%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Highest Degree		
Degree	#	%
High School/GED	53	6%
Associate's Degree	688	75%
Baccalaureate Degree	147	16%
Master's Degree	19	2%
Doctorate	9	1%
Total	915	100%

Source: Va. Healthcare Workforce Data Center

One-fifth of all FSPs carry education debt, including 43% of those under the age of 40. For those in debt, their median debt burden is between \$10,000 and \$20,000.

At a Glance:

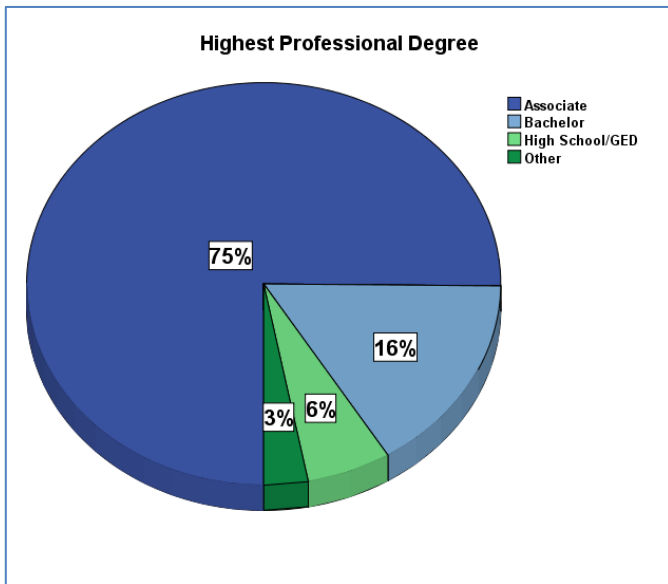
Education

Associate:	75%
Baccalaureate:	16%
High School/GED:	6%

Education Debt

Carry Debt:	20%
Under Age 40 w/ Debt:	43%
Median Debt:	\$10k-\$20k

Source: Va. Healthcare Workforce Data Center



Source: Va. Healthcare Workforce Data Center

Amount Carried	All FSPs		FSPs under 40	
	#	%	#	%
None	571	80%	93	57%
Less than \$10,000	38	5%	18	11%
\$10,000-\$19,999	37	5%	26	16%
\$20,000-\$29,999	17	2%	9	6%
\$30,000-\$39,999	13	2%	7	4%
\$40,000-\$49,999	9	1%	3	2%
\$50,000-\$59,999	8	1%	4	2%
\$60,000-\$69,999	1	0%	0	0%
\$70,000-\$79,999	3	0%	3	2%
\$80,000-\$89,999	6	1%	0	0%
\$90,000-\$99,999	3	0%	0	0%
\$100,000 or More	9	1%	0	0%
Total	715	100%	163	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Employment

Employed in Profession: 86%

Involuntarily Unemployed: 1%

Positions Held

1 Full-Time: 73%

2 or More Positions: 11%

Weekly Hours:

40 to 49: 48%

60 or More: 14%

Less than 30: 10%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Current Work Status		
Status	#	%
Employed, Capacity Unknown	2	< 1%
Employed in a FSP Related Capacity	819	86%
Employed, NOT in a FSP Related Capacity	78	8%
Not Working, Reason Unknown	0	0%
Involuntarily Unemployed	10	1%
Voluntarily Unemployed	12	1%
Retired	31	3%
Total	952	100%

Source: Va. Healthcare Workforce Data Center

More than 85% of Virginia's FSPs are employed in the profession, and nearly three-quarters currently have one full-time job. Nearly half of FSPs currently work between 40 and 49 hours per week, while 14% work at least 60 hours per week.

Current Positions		
Positions	#	%
No Positions	53	6%
One Part-Time Position	99	11%
Two Part-Time Positions	19	2%
One Full-Time Position	671	73%
One Full-Time Position & One Part-Time Position	47	5%
Two Full-Time Positions	14	2%
More than Two Positions	20	2%
Total	923	100%

Source: Va. Healthcare Workforce Data Center

Current Weekly Hours		
Hours	#	%
0 Hours	53	6%
1 to 9 Hours	39	4%
10 to 19 Hours	22	2%
20 to 29 Hours	32	4%
30 to 39 Hours	51	6%
40 to 49 Hours	431	48%
50 to 59 Hours	142	16%
60 to 69 Hours	79	9%
70 to 79 Hours	23	3%
80 or More Hours	25	3%
Total	897	100%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Income		
Annual Income	#	%
Volunteer Work Only	12	2%
Less than 30,000	90	15%
\$30,000-\$39,999	52	9%
\$40,000-\$49,999	70	12%
\$50,000-\$59,999	75	13%
\$60,000-\$69,999	66	11%
\$70,000-\$79,999	69	12%
\$80,000-\$89,999	34	6%
\$90,000-\$99,999	26	4%
\$100,000-\$109,999	23	4%
\$110,000-\$119,999	16	3%
\$120,000 or More	52	9%
Total	587	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Earnings
Median Income: \$50k-\$60k

Benefits
Health Insurance: 54%
Retirement: 43%

Satisfaction
Satisfied: 96%
Very Satisfied: 78%

Source: Va. Healthcare Workforce Data Center

Job Satisfaction		
Level	#	%
Very Satisfied	717	78%
Somewhat Satisfied	159	17%
Somewhat Dissatisfied	28	3%
Very Dissatisfied	12	1%
Total	916	100%

Source: Va. Healthcare Workforce Data Center

The typical FSP made between \$50,000 and \$60,000 in the past year. Among FSPs who were compensated at their primary work location with either a salary or an hourly wage, 75% received at least one employer-sponsored benefit, including 59% who had access to health insurance.

Employer-Sponsored Benefits			
Benefit	#	%	% of Wage/Salary Employees
Paid Vacation	528	64%	69%
Health Insurance	445	54%	59%
Paid Sick Leave	419	51%	57%
Retirement	351	43%	49%
Dental Insurance	333	41%	46%
Group Life Insurance	287	35%	40%
Signing/Retention Bonus	41	5%	6%
At Least One Benefit	577	70%	75%

*From any employer at time of survey.

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Employment Instability in Past Year		
In the Past Year Did You . . . ?	#	%
Experience Involuntary Unemployment?	13	1%
Experience Voluntary Unemployment?	38	3%
Work Part-Time or Temporary Positions, but Would Have Preferred a Full-Time/Permanent Position?	15	1%
Work Two or More Positions at the Same Time?	157	12%
Switch Employers or Practices?	48	4%
Experienced At Least One	238	18%

Source: Va. Healthcare Workforce Data Center

Only 1% of Virginia’s FSPs experienced involuntary unemployment at some point during the renewal cycle. By comparison, Virginia’s average monthly unemployment rate was 2.9% over the past year.¹

Location Tenure				
Tenure	Primary		Secondary	
	#	%	#	%
Not Currently Working at This Location	29	3%	20	10%
Less than 6 Months	38	4%	14	7%
6 Months to 1 Year	41	5%	4	2%
1 to 2 Years	86	10%	25	12%
3 to 5 Years	126	15%	42	20%
6 to 10 Years	139	16%	44	21%
More than 10 Years	410	47%	61	29%
Subtotal	868	100%	210	100%
Did Not Have Location	51		1,077	
Item Missing	380		12	
Total	1,300		1,300	

Source: Va. Healthcare Workforce Data Center

Two-thirds of FSPs are salaried employees at their primary work location, while 22% receive an hourly wage.

At a Glance:

Unemployment Experience

Involuntarily Unemployed: 1%
Underemployed: 1%

Turnover & Tenure

Switched Jobs: 4%
New Location: 11%
Over 2 Years: 78%
Over 2 Yrs., 2nd Location: 70%

Employment Type

Salary/Commission: 66%
Hourly Wage: 22%

Source: Va. Healthcare Workforce Data Center

Nearly 80% of FSPs have worked at their primary work location for at least two years.

Employment Type		
Primary Work Site	#	%
Salary/ Commission	409	66%
Hourly Wage	135	22%
Business/ Practice Income	43	7%
By Contract	26	4%
Unpaid	3	0%
Subtotal	617	100%
Did Not Have Location	51	
Item Missing	631	

Source: Va. Healthcare Workforce Data Center

¹ As reported by the US Bureau of Labor Statistics. The non-seasonally adjusted monthly unemployment rate increase from 2.7% in April 2018 to 3.0% in March 2019. At the time of publication, the unemployment rate from March 2019 was still preliminary.

At a Glance:

Concentration

Top Region:	19%
Top 3 Regions:	55%
Lowest Region:	4%

Locations

2 or More (Past Year):	25%
2 or More (Now*):	22%

Source: Va. Healthcare Workforce Data Center

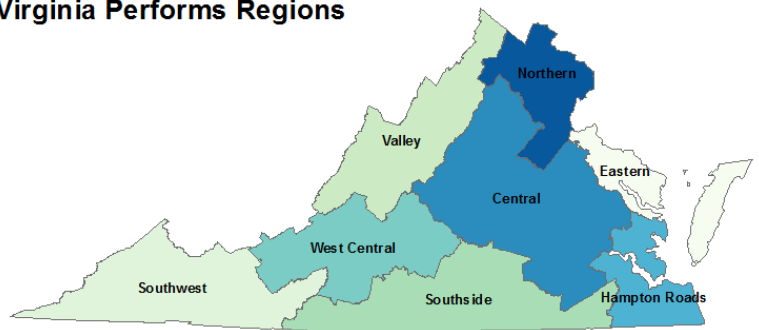
A Closer Look:

Regional Distribution of Work Locations				
Virginia Performs Region	Primary Location		Secondary Location	
	#	%	#	%
Central	161	19%	44	20%
Eastern	34	4%	12	6%
Hampton Roads	152	17%	40	19%
Northern	165	19%	29	13%
Southside	86	10%	20	9%
Southwest	67	8%	15	7%
Valley	74	9%	15	7%
West Central	118	14%	26	12%
Virginia Border State/D.C.	5	1%	4	2%
Other U.S. State	8	1%	11	5%
Outside of the U.S.	0	0%	0	0%
Total	870	100%	216	100%
Item Missing	380		5	

Source: Va. Healthcare Workforce Data Center

More than half of all FSPs work in Northern Virginia, Central Virginia, and Hampton Roads.

Virginia Performs Regions



More than one out of every five FSPs currently have multiple work locations, while one-quarter have had multiple work locations during the past year.

Locations	Number of Work Locations			
	Work Locations in Past Year		Work Locations Now*	
	#	%	#	%
0	28	3%	52	6%
1	643	72%	640	72%
2	109	12%	99	11%
3	76	9%	77	9%
4	9	1%	4	0%
5	10	1%	5	1%
6 or More	17	2%	14	2%
Total	892	100%	892	100%

*At the time of survey completion, March 2019.
Source: Va. Healthcare Workforce Data Center

A Closer Look:

Sector	Location Sector			
	Primary Location		Secondary Location	
	#	%	#	%
For-Profit	771	96%	170	91%
Non-Profit	12	1%	6	3%
State/Local Government	11	1%	7	4%
Veterans Administration	3	0%	1	1%
U.S. Military	3	0%	3	2%
Other Federal Government	3	0%	0	0%
Total	803	100%	187	100%
Did Not Have Location	51		1,077	
Item Missing	445		35	

Source: Va. Healthcare Workforce Data Center

At a Glance: (Primary Locations)

Sector

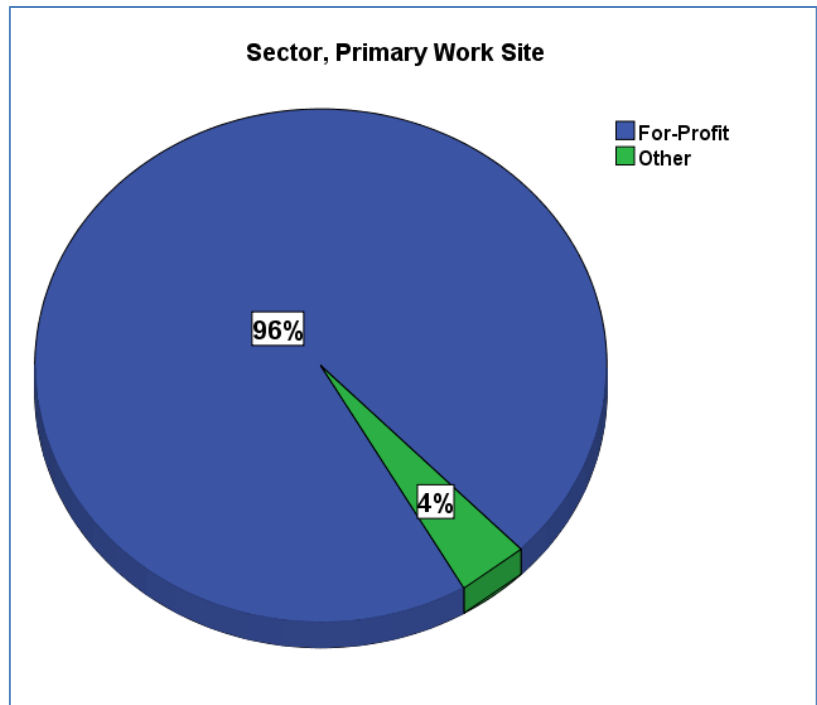
For Profit:	96%
Federal:	1%

Top Establishments

Funeral Establishment:	56%
Funeral Establishment w/ Crematory:	36%

Source: Va. Healthcare Workforce Data Center

Nearly all FSPs work in a for-profit establishment, while another 1% work for the federal government.



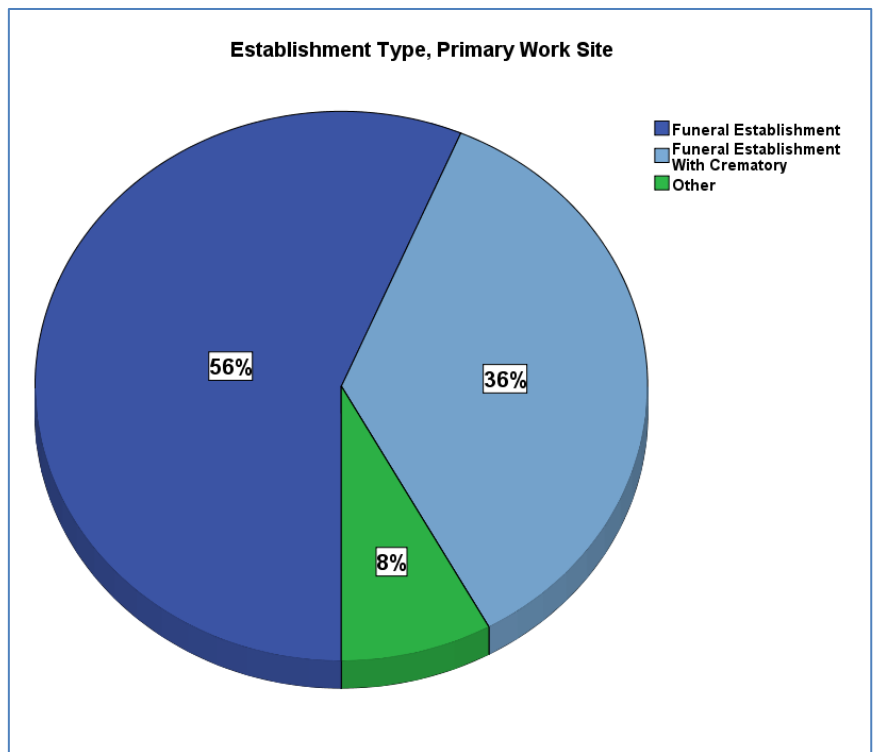
Source: Va. Healthcare Workforce Data Center

Establishment Type	Location Type			
	Primary Location		Secondary Location	
	#	%	#	%
Funeral Establishment	424	56%	121	71%
Funeral Establishment Combined with Crematory	268	36%	21	12%
Academic Institution	8	1%	3	2%
Crematory (Only)	6	1%	1	1%
Funeral Establishment Combined with Surface Transport and Removal	6	1%	0	0%
Surface Transport and Removal (Only)	5	1%	3	2%
Other Practice Setting	36	5%	22	13%
Total	753	100%	171	100%
Did Not Have a Location	51		1,077	

Source: Va. Healthcare Workforce Data Center

More than half of all FSPs work at a funeral establishment as their primary work location. Another 36% work at practices that combine funeral and crematory services.

Among those FSPs who also have a secondary work location, 71% work at a funeral establishment, and another 12% work at establishments that combine funeral and crematory services.



Source: Va. Healthcare Workforce Data Center

At a Glance: (Primary Locations)

Typical Time Allocation

Client Care: 40%-49%
Administration: 40%-49%

Roles

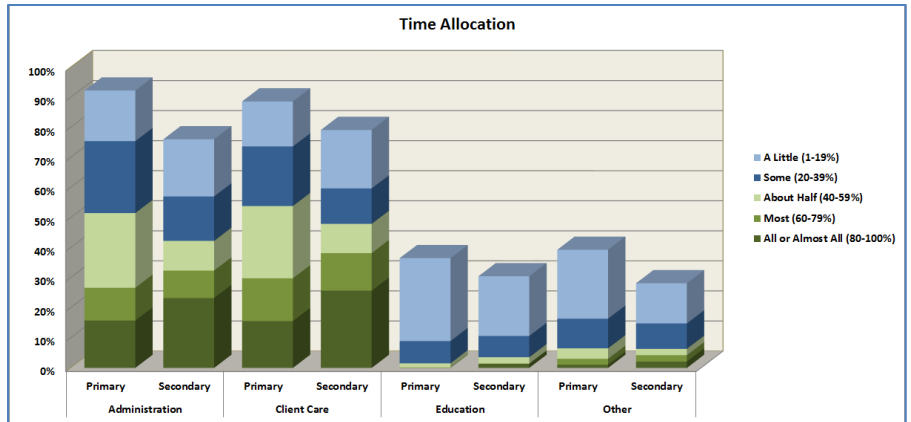
Client Care: 30%
Administrative: 27%
Other: 3%

Patient Care FSPs

Median Admin Time: 10%-19%
Ave. Admin Time: 10%-19%

Source: Va. Healthcare Workforce Data Center

A Closer Look:



Source: Va. Healthcare Workforce Data Center

A typical FSP spends most of his time attending to clients and doing administrative tasks. In addition, 30% of FSPs fill a client care role, defined as spending 60% or more of their time dealing with clients.

Time Allocation								
Time Spent	Admin.		Client Care		Education		Other	
	Prim. Site	Sec. Site	Prim. Site	Sec. Site	Prim. Site	Sec. Site	Prim. Site	Sec. Site
All or Almost All (80-100%)	16%	23%	16%	26%	0%	1%	1%	2%
Most (60-79%)	11%	9%	14%	13%	0%	0%	2%	2%
About Half (40-59%)	25%	10%	24%	10%	1%	2%	3%	2%
Some (20-39%)	24%	15%	20%	12%	7%	7%	10%	8%
A Little (1-19%)	17%	19%	15%	20%	28%	20%	23%	13%
None (0%)	8%	24%	11%	21%	63%	69%	61%	72%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Retirement Expectations				
Expected Retirement Age	All FSPs		FSPs Over 50	
	#	%	#	%
Under Age 50	19	3%	-	-
50 to 54	18	3%	1	0%
55 to 59	35	5%	10	3%
60 to 64	83	12%	31	8%
65 to 69	185	27%	106	27%
70 to 74	116	17%	69	18%
75 to 79	46	7%	38	10%
80 or Over	40	6%	30	8%
I Do Not Intend to Retire	146	21%	104	27%
Total	687	100%	389	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Retirement Expectations

All FSPs

Under 65: 23%

Under 60: 10%

FSPs 50 and Over

Under 65: 11%

Under 60: 3%

Time Until Retirement

Within 2 Years: 7%

Within 10 Years: 22%

Half the Workforce: By 2044

Source: Va. Healthcare Workforce Data Center

Nearly one-quarter of all FSPs expect to retire before the age of 65. Among FSPs who are at least age 50, 11% still expect to retire by age 65.

Within the next two years, 6% of FSPs expect to pursue additional educational opportunities, and 5% expect to increase client care hours.

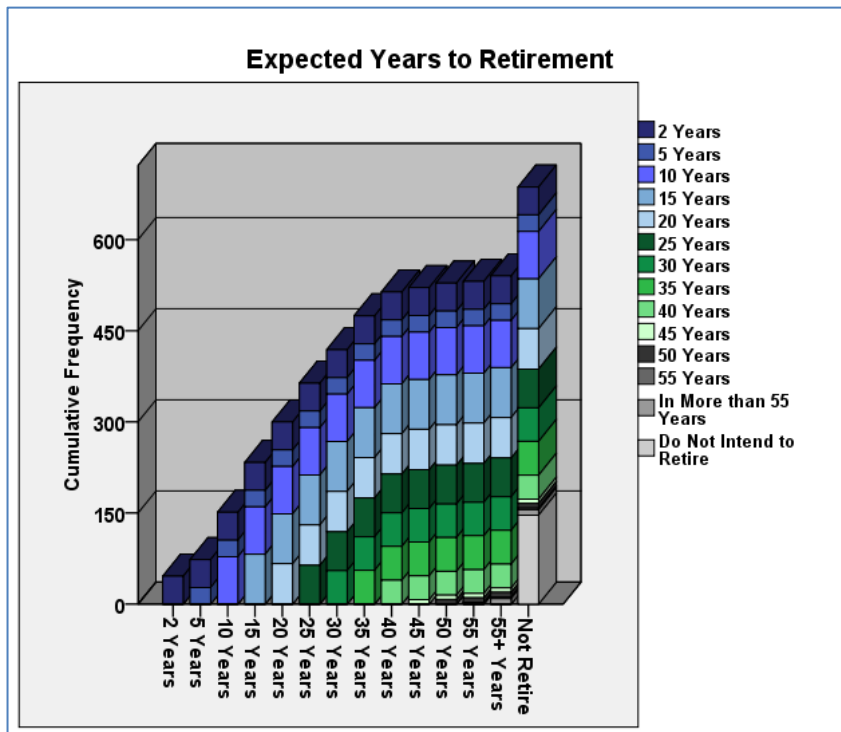
Future Plans		
Two Year Plans:	#	%
Decrease Participation		
Leave Profession	21	2%
Leave Virginia	22	2%
Decrease Client Care Hours	79	6%
Decrease Teaching Hours	3	0%
Increase Participation		
Increase Client Care Hours	69	5%
Increase Teaching Hours	31	2%
Pursue Additional Education	72	6%
Return to Virginia's Workforce	9	1%

Source: Va. Healthcare Workforce Data Center

By comparing retirement expectation to age, we can estimate the maximum years to retirement for FSPs. While only 7% of FSPs expect to retire in the next two years, 22% expect to retire within the next decade. More than half of the current FSP workforce expect to retire by 2044.

Time to Retirement			
Expect to Retire Within. . .	#	%	Cumulative %
2 Years	46	7%	7%
5 Years	27	4%	11%
10 Years	78	11%	22%
15 Years	82	12%	34%
20 Years	67	10%	44%
25 Years	64	9%	53%
30 Years	55	8%	61%
35 Years	56	8%	69%
40 Years	39	6%	75%
45 Years	7	1%	76%
50 Years	8	1%	77%
55 Years	3	0%	77%
In More than 55 Years	9	1%	79%
Do Not Intend to Retire	146	21%	100%
Total	687	100%	

Source: Va. Healthcare Workforce Data Center



Source: Va. Healthcare Workforce Data Center

Using these estimates, retirement will begin to reach over 10% of the current workforce every five years by 2029. Retirement will peak at 12% of the current workforce around 2034 before declining to under 10% again around 2044.

At a Glance:

FTEs

Total: 1,495
 FTEs/1,000 Residents²: 0.176
 Average: 1.20

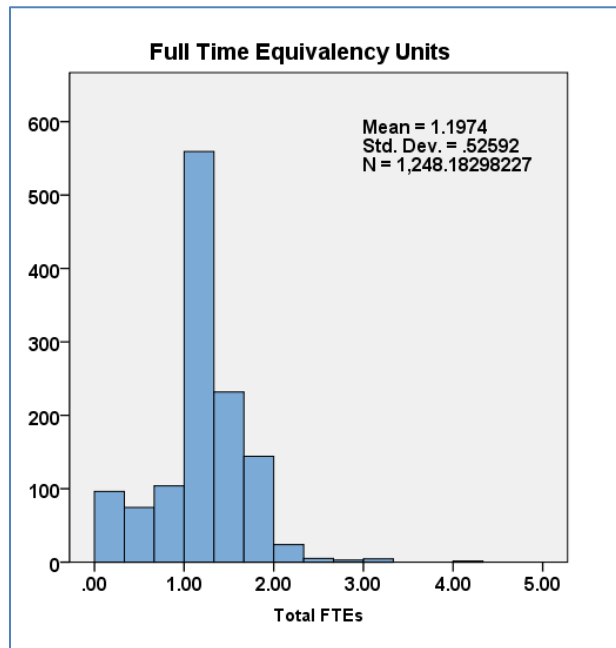
Age & Gender Effect

Age, Partial Eta²: Small
 Gender, Partial Eta²: Small

Partial Eta² Explained:
 Partial Eta² is a statistical measure of effect size.

Source: Va. Healthcare Workforce Data Center

A Closer Look:

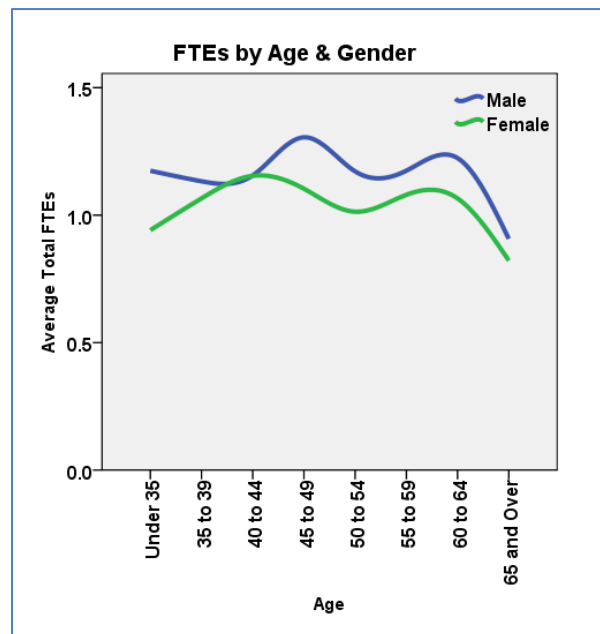


Source: Va. Healthcare Workforce Data Center

The typical FSP provided 1.09 FTEs during the past year or approximately 44 hours per week for 50 weeks. Although FTEs appear to vary by age and gender, statistical tests did not verify that a difference exists.³

Full-Time Equivalency Units		
Age	Average	Median
Age		
Under 35	1.05	1.08
35 to 39	1.10	1.08
40 to 44	1.19	1.30
45 to 49	1.19	1.08
50 to 54	1.12	1.08
55 to 59	1.28	1.30
60 to 64	1.30	1.37
65 and Over	1.26	1.22
Gender		
Male	1.10	1.09
Female	1.03	1.09

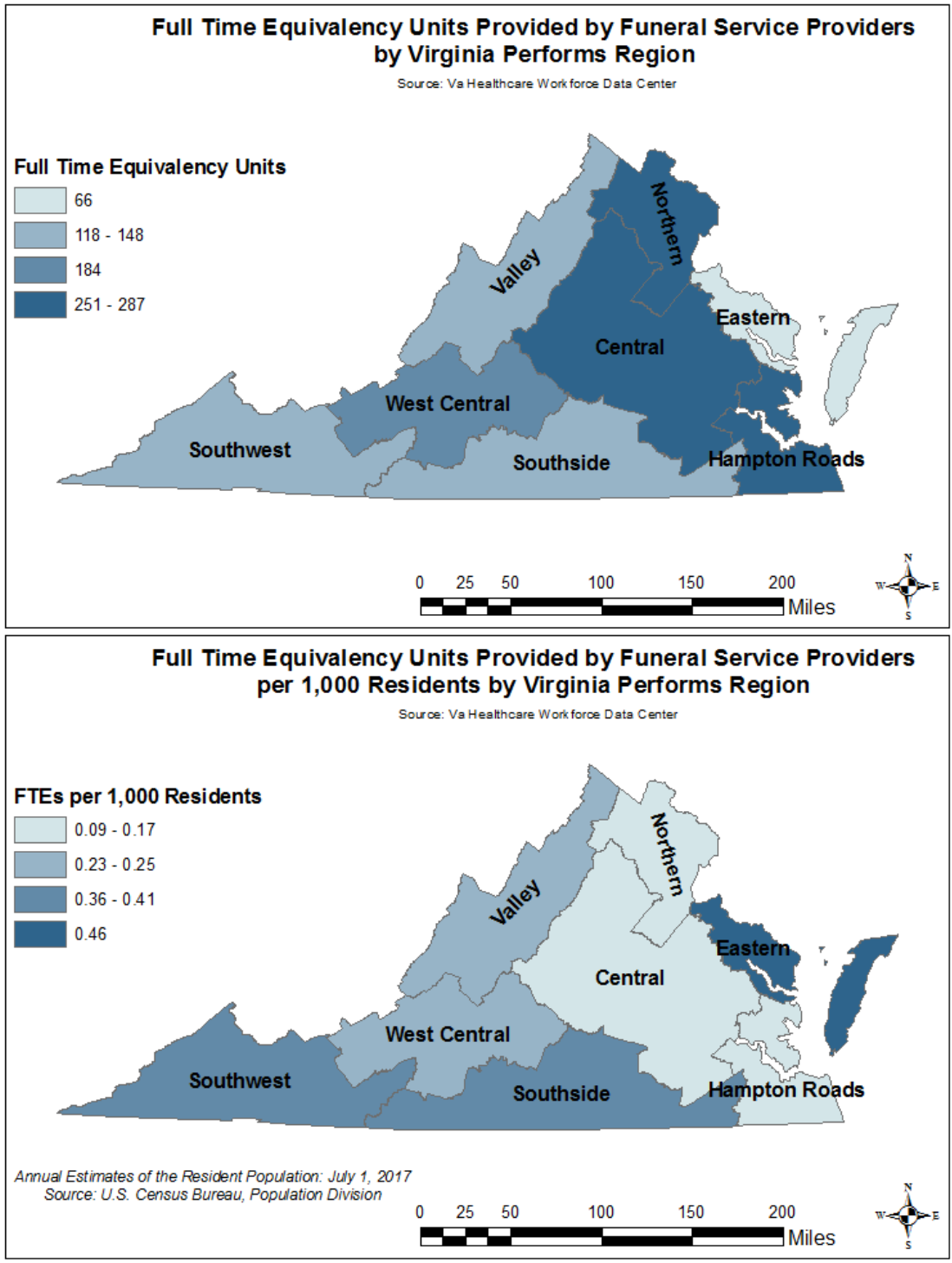
Source: Va. Healthcare Workforce Data Center

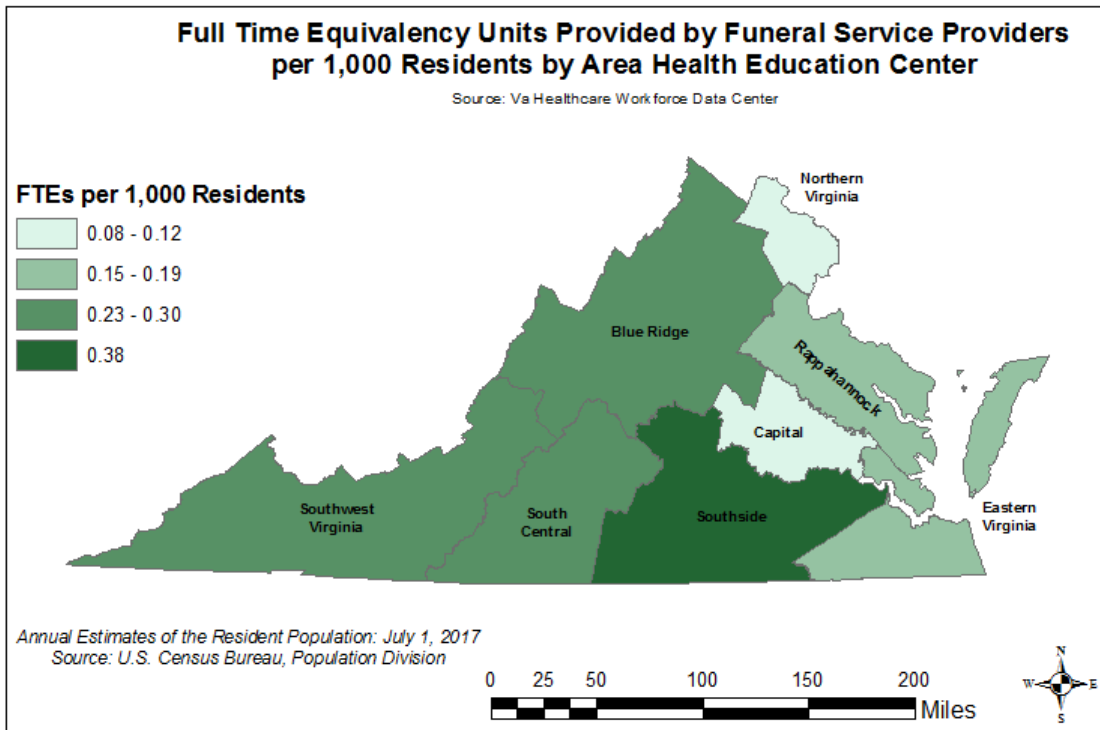
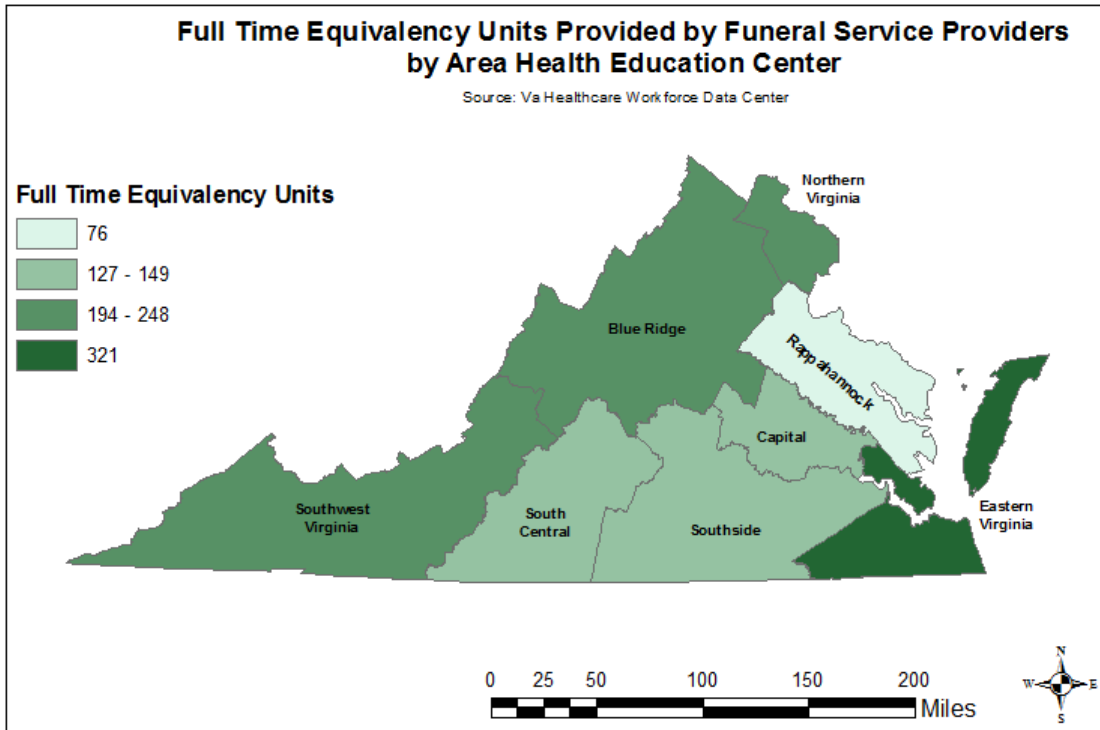


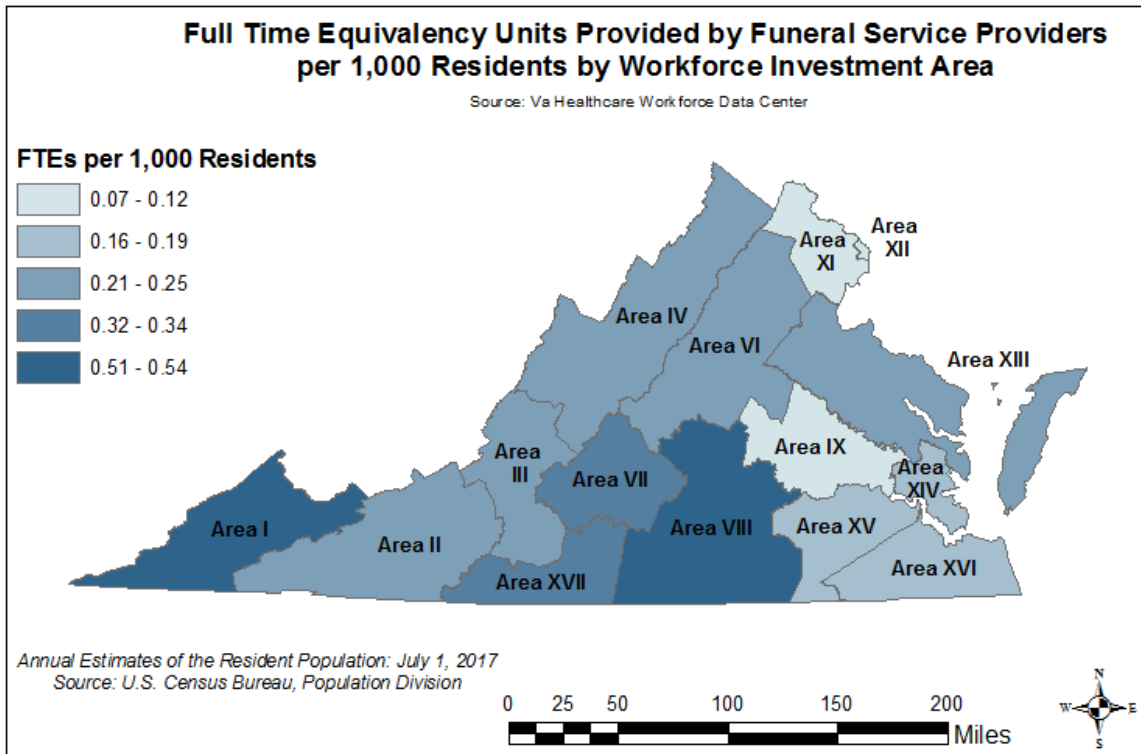
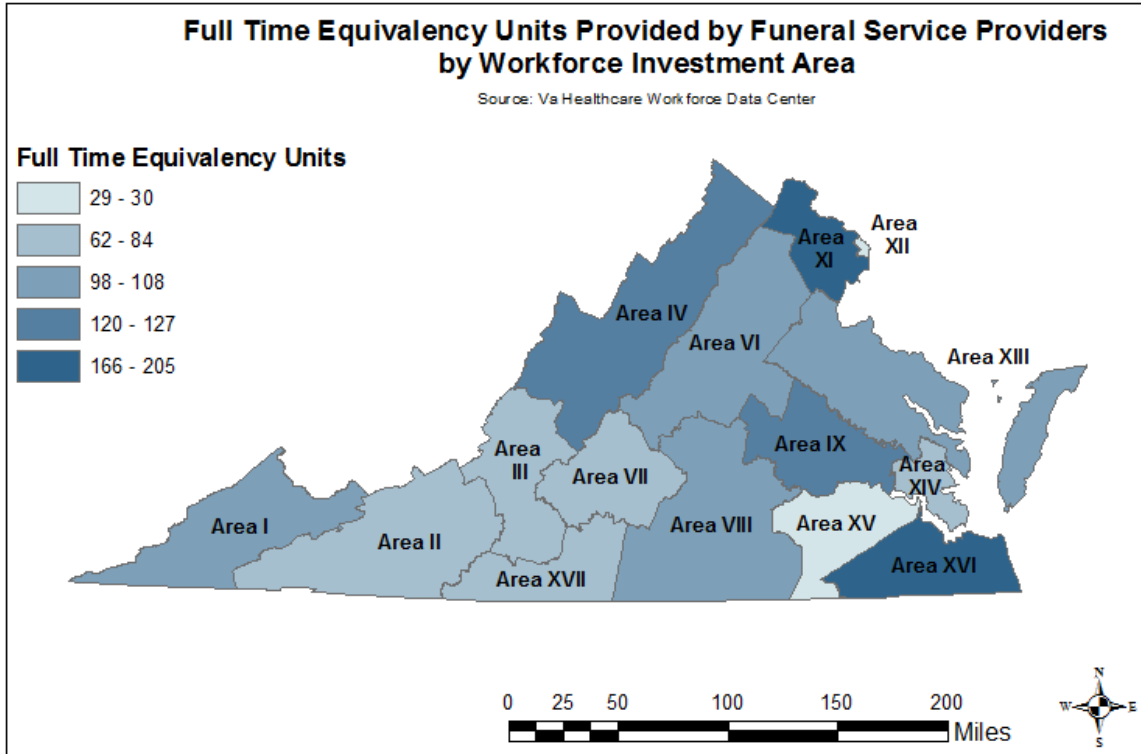
Source: Va. Healthcare Workforce Data Center

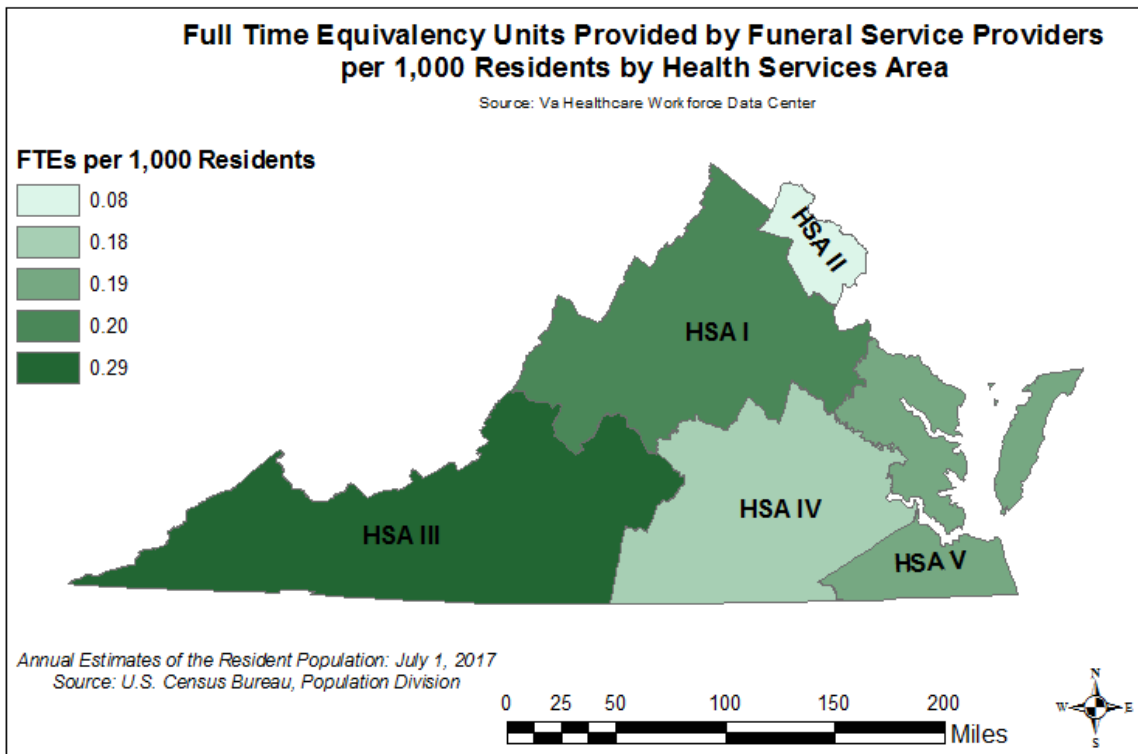
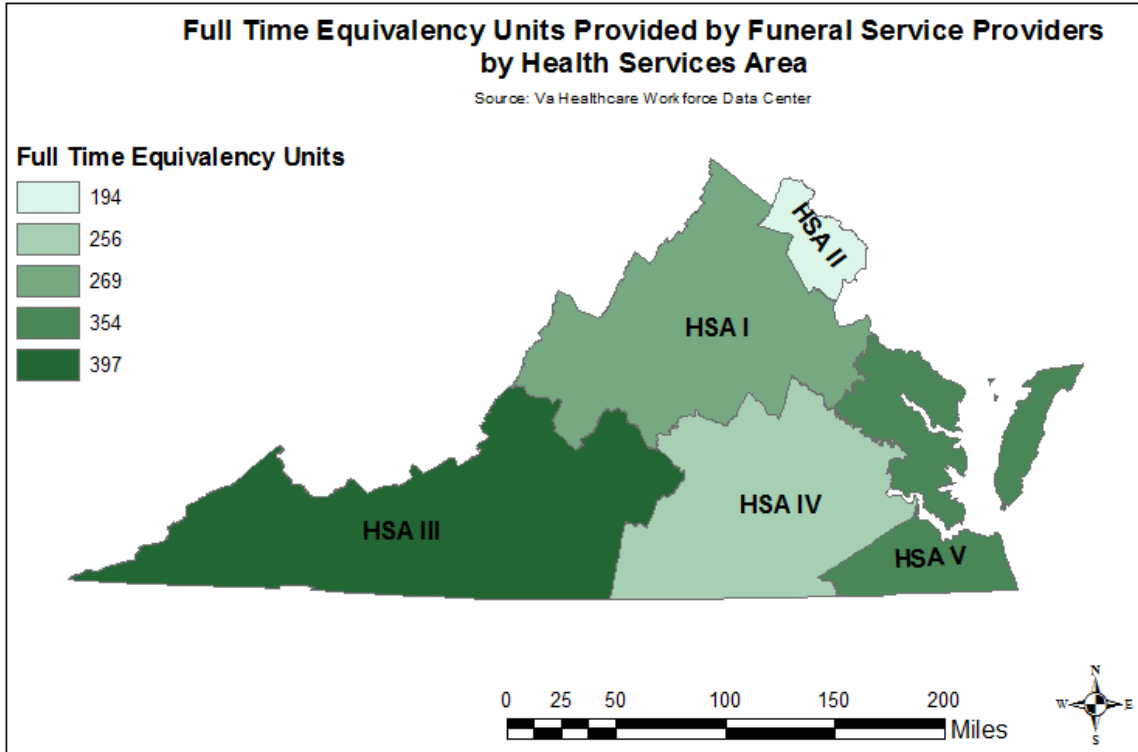
² Number of residents in 2017 was used as the denominator.

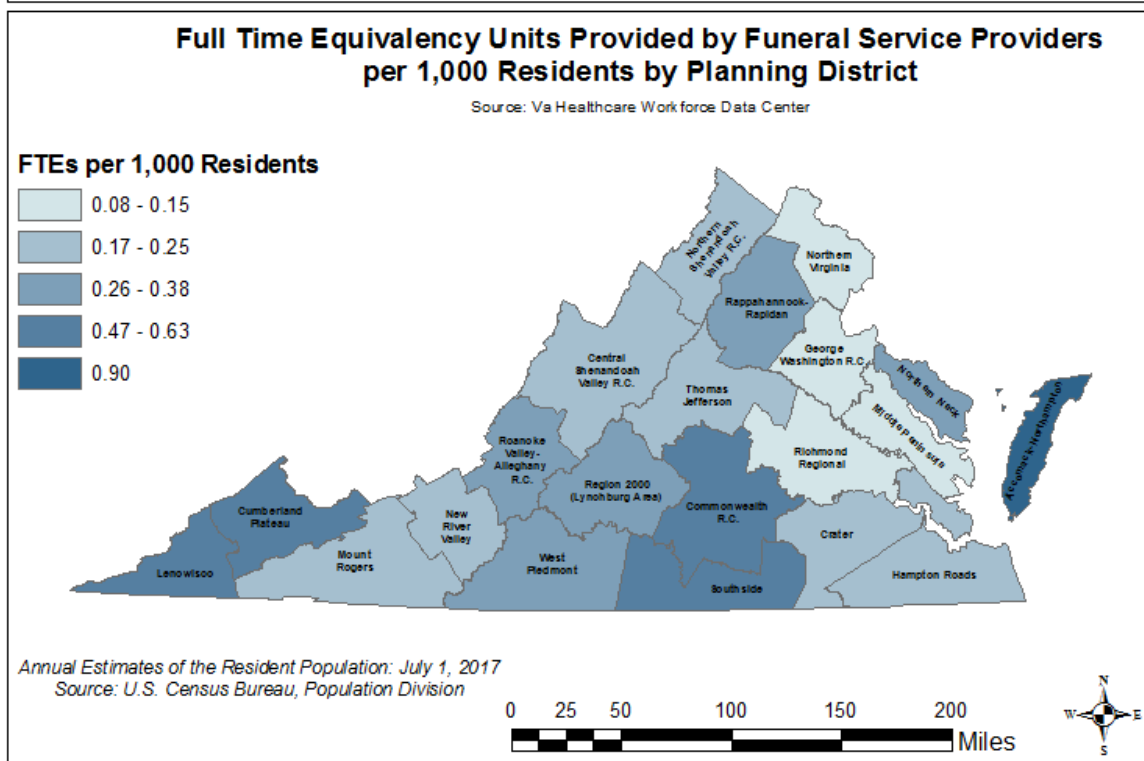
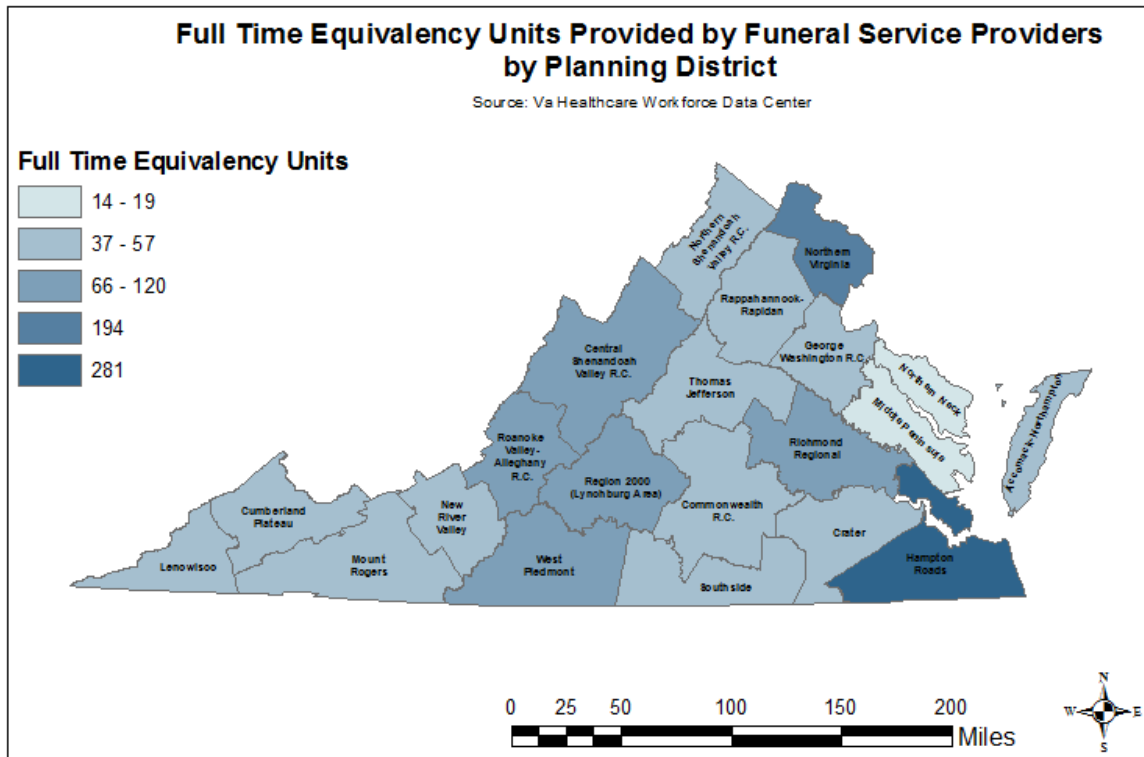
³ Due to assumption violations in Mixed between-within ANOVA (Levene's Test is significant)











Appendices

Appendix A: Weights

Rural Status	Location Weight			Total Weight	
	#	Rate	Weight	Min	Max
Metro, 1 Million+	692	64.45%	1.55157	1.44243	1.77107
Metro, 250,000 to 1 Million	155	81.94%	1.220472	1.13462	1.39313
Metro, 250,000 or Less	132	63.64%	1.571429	1.46089	1.79374
Urban Pop. 20,000+, Metro Adj.	53	62.26%	1.606061	1.49308	1.83327
Urban Pop. 20,000+, Non-Adj.	0	NA	NA	NA	NA
Urban Pop., 2,500-19,999, Metro Adj.	103	67.96%	1.471429	1.36792	1.67959
Urban Pop., 2,500-19,999, Non-Adj.	81	76.54%	1.306452	1.21455	1.49127
Rural, Metro Adj.	57	64.91%	1.540541	1.43217	1.75848
Rural, Non-Adj.	35	71.43%	1.4	1.30152	1.59806
Virginia Border State/D.C.	205	78.54%	1.273292	1.18372	1.45342
Other U.S. State	69	76.81%	1.301887	1.21031	1.48606

Source: Va. Healthcare Workforce Data Center

Age	Age Weight			Total Weight	
	#	Rate	Weight	Min	Max
Under 35	153	68.63%	1.457143	1.23432	1.62428
35 to 39	146	74.66%	1.33945	1.13462	1.49308
40 to 44	135	68.15%	1.467391	1.243	1.60043
45 to 49	179	73.18%	1.366412	1.15746	1.4903
50 to 54	205	73.17%	1.366667	1.15767	1.52342
55 to 59	180	73.33%	1.363636	1.15511	1.52005
60 to 64	186	73.66%	1.357664	1.15005	1.51339
65 and Over	398	60.80%	1.644628	1.39313	1.83327

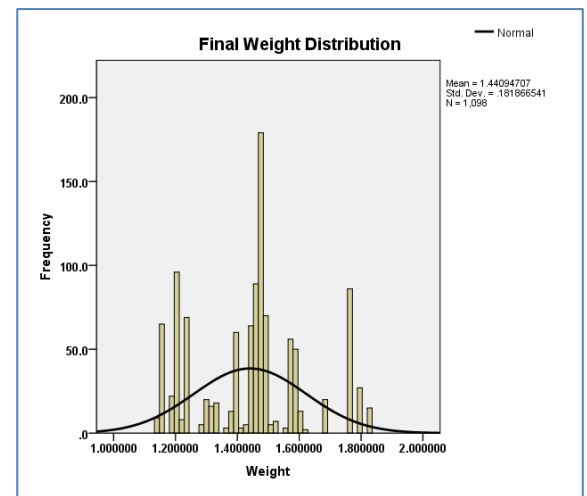
Source: Va. Healthcare Workforce Data Center

See the Methods section on the HWDC website for details on HWDC Methods:
www.dhp.virginia.gov/hwdc/

Final weights are calculated by multiplying the two weights and the overall response rate:

$$\text{Age Weight} \times \text{Rural Weight} \times \text{Response Rate} = \text{Final Weight.}$$

Overall Response Rate: 0.694058



Source: Va. Healthcare Workforce Data Center

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		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
<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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C	NC	R	NA	LAW / REGULATION	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.
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.
C	NC	R	NA	LAW / REGULATION	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					
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.

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DISCLOSURES			
C	NC	R	NA
LAW / REGULATION	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.		
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: <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."		
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 \$ _____ <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)		
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.)		

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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]."
<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:"</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: 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 (cont.)
<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.
<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:

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

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Board of Funeral Directors and Embalmers

CREMATORY INSPECTION REPORT

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

Registration of Crematories					
C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (B)	Every crematory, regardless of how owned, shall have a manager of record who has: <ol style="list-style-type: none"> achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFCA); or other certification recognized by the Board and received training in compliance with standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and blood-borne pathogens.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 (ICCFCA); or other certification recognized by the Board.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (D)	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

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (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"/>	65-20-436 (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.

Standards for Cremation

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.

Refrigeration and Handling of Human Remains

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-581	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"/>	65-20-436 (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.

Refrigeration and Handling of Human Remains (cont.)

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	<p>A cremation container shall substantially meet all the following standards:</p> <ul style="list-style-type: none"> 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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

Recordkeeping

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (D)	<p>Cremation records shall include:</p> <ol style="list-style-type: none"> 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 Facility Representative

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.