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*\*\*\*Refer to Page 3 of the Agenda for Meeting Access Information\*\*\**

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**Call to Order – Mia Mimms, FSL, Board President**

- Welcome and Introductions
  - Mission of the Board
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**Approval of Minutes (p. 4-106)**

- Board Meeting – July 14, 2020
  - Regulatory Advisory Panel – August 14, 2020 and September 1, 2020
  - For informational purposes – Informal Conferences July 14, 2020 and September 22, 2020
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**Ordering and Approval of Agenda**

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**Public Comment**

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

*\*\*\*For more information and instructions related to public comment, please refer to page 3 of the Agenda\*\*\**

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**Agency Report – David E. Brown, D.C., Director**

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**Staff Reports (p. 107)**

- Executive Director’s Report – **Corie E. Tillman Wolf, JD, Executive Director**
  - Discipline Report – **Kelley Palmatier, JD, Deputy Executive Director**
  - Licensing Report – **Sarah Georgen, Licensing and Operations Manager**
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**Board Counsel Report – Erin Barrett, Assistant Attorney General**

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**Committee and Board Member Reports**

- Board President’s Report – **Mia Mimms, FSL**
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- Report from the Board of Health Professions - **Louis R. Jones, FSL** (p. 117)
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### **Legislation and Regulatory Report - Elaine Yeatts, Senior Policy Analyst** (p. 124)

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### **Board Discussion and Action** (p. 127)

- Consideration of Regulatory Advisory Panel (RAP) Recommendations - **Mia Mimms, FSL**
  - Adoption of Emergency Regulations for Licensure of Funeral Directors and Embalmers (SB1044, 2020 Acts of Assembly Ch. 943)
  - Discussion - Updates to State Laws, Rules, and Regulations (LRR) Exam (Closed Session) - **Corie E. Tillman Wolf, JD**
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### **Old Business**

- Location of Preparation Room at Funeral Establishment Property - **Corie E. Tillman Wolf, JD, Executive Director**
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### **Elections**

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**Next Meeting** - January 19, 2021

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### **Meeting Adjournment**

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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).

**Virginia Board of Funeral Directors and Embalmers**  
**Instructions for Accessing October 6, 2020 Virtual Quarterly Board**  
**Meeting and Providing Public Comment**

- **Access:** Perimeter Center building access remains restricted to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- **Written Public Comment:** Written comments are **strongly preferred** due to the limits of the electronic meeting platform and should be received by email to [Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov) no later than 12:00 noon on October 5, 2020. The written comments will be made available to the Board members for review prior to the meeting.
- **Oral Public Comment:** Oral comments will be received during the full board meeting from persons who have submitted an email to [Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov) no later than 12:00 noon on October 5, 2020 indicating that they wish to offer oral comment. Comment may be offered by these individuals when their name is announced by the Board President. Comments will be restricted to 2 minutes each; the maximum allotted time for public comment will be 30 minutes.
- Public participation connections will be muted following the public comment period.
- Should the Board enter into a closed session, public participants will be blocked from seeing and hearing the discussion. When the Board re-enters into open session, public participation connections to see and hear the discussions will be restored.
- Please call from a location without background noise.
- Dial (804) 367-4479 to report an interruption during the broadcast.
- FOIA Council Electronic Meetings Public Comment form for submitting feedback on this electronic meeting may be accessed at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>

**JOIN BY AUDIO ONLY**

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Meeting number (access code): 171 963 4376

**JOIN THE INTERACTIVE MEETING:**

Click or copy one of the links below:

<https://covaconf.webex.com/covaconf/j.php?MTID=m50283dd0caf6e516bb9af5f020e79734>

# Approval of Minutes



**July 14, 2020**

The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a full board meeting on Tuesday, July 14, 2020, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

**BOARD MEMBERS PARTICIPATING VIRTUALLY:**

Mia F. Mimms, FSL, JD, President  
R. Thomas Slusser, Jr., FSL, Vice-President  
Kenneth Scott Hickey, M.D., Citizen Member, Secretary-Treasurer  
Jason Graves, FSL  
Muhammad Hanif, Citizen Member  
Blair H. Nelsen, FSL  
Connie B. Steele, FSL  
Joseph Frank Walton, FSL

**BOARD MEMBERS PRESENT ON-SITE:**

Louis R. Jones, FSL

**BOARD MEMBERS ABSENT:**

None

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

Barbara Allison-Bryan, M.D., Deputy Director, DHP (Virtual)  
Erin Barrett, Assistant Attorney General, Board Counsel (Virtual)  
David Brown, D.C., Director, DHP (Virtual)  
Sarah Georgen, Licensing and Operations Manager (On-Site)  
Kelley Palmatier, Deputy Executive Director (Virtual)  
Yetty Shobo, Healthcare Workforce Data Center (On-Site)  
Corie Tillman Wolf, Executive Director (On-Site)  
Matt Treacy, Media Production Specialist (On-Site)  
Heather Wright, Program Manager (On-Site)  
Elaine Yeatts, Sr. Policy Analyst (Virtual)

**OTHER GUESTS PRESENT (VIRTUAL)**

Angela Bezik, Virginia Funeral Directors' Association  
Gregg C. Faulkner, Sr.  
Jerry Gentile  
Paul Harris, Regulatory Support Services, Inc.  
Bo Keeney, Association of Independent Funeral Homes of Virginia

Glenn McBride, COVID-19 Emergency Coordinator, Office of the Chief Medical Examiner  
Ross Miller  
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge  
Brenda Roberts  
Barry Robinson, Virginia Mortician's Association  
Lauren Thomas, The International Conference of Funeral Service Examining Boards  
Ben Traynham  
Lacy Whittaker, Virginia Funeral Directors' Association

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

## **CALL TO ORDER**

*Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.*

Ms. Mimms called the meeting to order at 9:01 a.m.

Ms. Mimms provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Ms. Mimms provided reminders to the Board and public regarding WebEx functions. She completed a roll call of the Board members and staff.

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

Ms. Mimms read the mission of the Board, which is also the mission of the Department of Health Professions.

## **APPROVAL OF MINTUES**

Ms. Tillman Wolf suggested an edit to the October 10, 2019 Full Board meeting minutes, page 8, paragraph 5, clarifying the language to the motion to read: "Upon a motion by Mr. Nelsen which was properly seconded by Ms. Slusser, the Board voted to adopt the other proposed amendments to the Regulations for the Funeral Service Internship Program in 18VAC 65-40-10 et seq. as presented *and to move forward with proposed regulations*, including the changes to the internship program from the previous motion."

Additionally, Ms. Tillman Wolf clarified that Board and agency staff present at the Perimeter Center included Ms. Georgen, Ms. Wright, Mr. Treacy, and herself, along with Board member Mr. Jones who had already indicated his presence.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Mr. Hanif, the Board voted to approve the minutes in a block for the meetings held between October 10, 2019 and March 10, 2020 as amended. The motion passed unanimously by roll call.

## **ORDERING OF THE AGENDA**

With no changes to the agenda, the agenda was accepted.

## **PUBLIC COMMENT**

Written public comment was provided by Ross Miller (Attachment A), Barry Robinson, Virginia Mortician's Association (Attachment B), and Allison Carpenter, Interfaith Programs Committee, McLean Islamic Center (Attachment C).

Ms. Tillman Wolf stated that while the Board is not required to respond to public comment, she offered brief clarifications on some comments received noting that the Board does not accept comment related to any closed or pending complaint or disciplinary action.

Ms. Tillman Wolf also stated that there was a comment received regarding continuing education and whether or not there could be a clarification regarding whether licensees may earn continuing education for online courses. She clarified that licensees are permitted to take their continuing education via online courses if provided by an approved provider or are approved courses.

Ms. Tillman Wolf also clarified the proposed intern hours stating that they are not on the agenda for discussion, so the current 3,000-hour requirement was still in effect pending further regulatory action on outstanding regulations.

Finally, Ms. Tillman Wolf stated that the comments regarding the Regulatory Advisory Panel would be forwarded to the panel for consideration.

**AGENCY REPORT** – David Brown, D.C., Director, DHP and Barbara Allison-Bryan, M.D., Deputy Director, DHP

Dr. Brown began his report by complimenting board and staff on a good start to the meeting.

He provided an update to DHP functions during the COVID-19 pandemic and stated that DHP had closed the building to the public and invested in telework options by purchasing laptop computers for employees. He reported that approximately 75% of DHP staff are successfully teleworking, which accomplished the goal for social distancing. He reported that although disciplinary hearings and Board meetings had been stopped during the pandemic, they were beginning to resume. He stated that appropriate social distancing measures would be conducted for in-person meetings, including the number of people that can be in each room for a meeting. Additionally, he stated that masks are required in the building.

Dr. Brown also stated that he was aware of the concerns within the industry for Personal Protection Equipment (PPE) and that he continues to inform the administration of the PPE requirements. He stated that he will continue to ensure that PPE requirements are met in the future, if needed.

Dr. Allison-Bryan stated that licensing had continued through the pandemic, which included waivers for Behavioral Science professionals to practice in the Commonwealth. She stated that customer service has remained unchanged and credited the Boards and staff for that consistency.

With no questions, Dr. Brown and Dr. Allison-Bryan concluded their reports.

## **BOARD COUNSEL REPORT**

Ms. Barrett did not have a report.

## **PRESENTATION**

*Mass Fatality Task Force – Glenn McBride, COVID-19 Emergency Coordinator, Office of the Chief Medical Examiner*

Ms. Mimms welcomed Glenn McBride, COVID-19 Emergency Coordinator, Office of the Chief Medical Examiner, to provide a presentation on the Mask Fatality Task Force.

Mr. Graves requested clarification on whether removal service employees had been classified as first responders, and whether the funeral industry has been deemed critical infrastructure during the pandemic.

Mr. McBride stated that the Federal Emergency Management Agency (FEMA) detailed who was considered critical infrastructure and that the Office of the Chief Medical Examiner has been using that list during the pandemic, but that Funeral Directors, and by extension removal services, are part of the critical infrastructure.

Mr. Hanif requested clarification on a situation in which a decedent is transported from a hospital setting and requested clarification on whether it was required for the hospital to inform the funeral home of the manner of death being COVID-19 prior to the acceptance of the remains.

Mr. McBride stated that there was no requirement for a written notification to the transporter or funeral home of the manner of death of the decedent, but stated that the law requires general notification to the transporter.

Dr. Hickey explained his understanding of emergency room practice regarding notification to transporters.

Ms. Tillman Wolf stated that she and Mr. McBride previously discussed the information related to surveys and data collection related to storage and processing capacity. She stated that the Board has the potential opportunity to facilitate survey information from licensees through a survey monkey tool to specifically ask limited questions to facility licensees on storage capacity of decedents, whether the facility offers burial or cremation services, and maximum throughput of decedents per day or per week. She explained that the Board has the ability to send those surveys to licensees, if the Board members agreed. She also stated that this could be used for longer-term emergency management planning purposes. She clarified that this would be a separate survey than that of the Healthcare Workforce Data Center survey.

Upon a **MOTION** by Mr. Slusser, and properly seconded by Mr. Walton, the Board voted to approve the implementation of survey questions to facility licensees to collect information related to storage capacity for decedents, whether burial or cremation services are offered by the facility, and maximum throughput which is decedents to final disposition per day or week. The motion passed unanimously by roll call.

## **BREAK**

The Board took a break at 10:02 a.m. The Board reconvened at 10:14 a.m.

### *2020 Funeral Service Provider Workforce Report - Yetty Shobo, Ph.D., Healthcare Workforce Data Center*

Ms. Mimms welcomed Yetty Shobo, Ph.D., Healthcare Workforce Data Center, to provide a presentation on the 2020 Funeral Service Provider Workforce Report.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Dr. Hickey, the Board voted to approve the 2020 Funeral Service Provider Workforce Report. The motion passed unanimously by roll call.

## **LEGISLATION AND REGULATORY ACTIONS**

### *Policy Updates – Electronic Meeting Policy (Emergency and Statutory)*

Ms. Yeatts provided an overview of the Electronic Meeting Policy (Emergency and Statutory).

### *Legislative/Regulatory Updates*

Ms. Yeatts provided an update of legislation from the 2020 General Assembly.

Ms. Yeatts provided information regarding SB 1044: Funeral Directors and Embalmers; Board to Promulgate Regulations for Licensure. Ms. Tillman Wolf stated that a Regulatory Advisory Panel (RAP) will be convened to discuss the changes to the regulations. She stated that the Board would request input from associations regarding these changes.

Mr. Hanif requested information on the selection of the RAP panel and asked if panel members had been selected. Ms. Tillman Wolf and Ms. Yeatts explained that the panel would consist of several different stakeholders and would be selected by the Board President.

### *Report of Regulatory Actions*

Ms. Yeatts provided an overview of the current outstanding regulatory actions.

### *Board Discussion and Actions - Adoption of Final Regulations from Periodic Review – Regulations Governing the Practice of Funeral Directors and Embalmers (18 VAC 65-20-10 et seq.)*

Ms. Yeatts provided an overview of the proposed changes to the Regulations Governing the Practice of Funeral Directors and Embalmers (18 VAC 65-20-10 et seq.).

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Mr. Hanif, the Board voted to adopt the final regulations from the Periodic Review for the Regulations Governing the Practice of Funeral Directors and Embalmers under 18 VAC 65-20-10 et seq. as presented. The motion passed unanimously by roll call.

*Board Discussion and Actions - Adoption of Final Regulations from Periodic Review –Regulations for Preneed Funeral Planning (18VAC 65-30-10 et seq.)*

Ms. Yeatts provided an overview of the proposed changes to the Regulations for Preneed Funeral Planning (18 VAC 65-30-10 et seq.).

Mr. Hanif requested clarification on the proposed changes related to a stricken word(s). Ms. Yeatts clarified that a stricken word in the document means that it will be removed from the final Regulations.

Mr. Nelsen requested clarification on 18 VAC 65-30-50 (B) Solicitation. He asked for clarification of the use of “funeral service licensee” in this section and asked if this should also include funeral director to remain consistent with other portions of the regulations. Specifically, the regulation would read “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 *or licensed funeral director.*”

Mr. Nelsen made a **MOTION** which was properly seconded by Mr. Slusser, to include an amendment to the final Regulations from the Periodic Review for the Regulations for Preneed Funeral Planning under 18 VAC 65-30-10 et seq. to include the verbiage “or licensed funeral director” in 18 VAC 65-30-50 (B) which will read “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 *or licensed funeral director.*”

Upon a **MOTION** by Ms. Steele, and properly seconded by Mr. Hanif, the Board voted to include the amendment as suggested by Mr. Nelsen to the Regulations for Preneed Funeral Planning under 18 VAC 65-30-10 et seq. The motion passed unanimously by roll call.

Upon a **MOTION** by Mr. Walton and properly seconded by Ms. Steele, the Board voted to adopt the final regulations from the Periodic Review for the Regulations for Preneed Funeral Planning under 18 VAC 65-30-10 et seq. as amended. The motion passed unanimously by roll call.

*Board Discussions and Actions - Adoption of Revisions to Bylaws of the Board (Guidance Document 65-10)*

Ms. Tillman Wolf provided an overview of the proposed changes to the Bylaws of the Board.

Upon a **MOTION** by Ms. Steele, and properly seconded by Mr. Walton, the Board voted to adopt the revisions to the Bylaws as outlined in Guidance Document 65-10 as presented. The motion passed unanimously by roll call.

*Board Discussions and Actions - Adoption of Revisions to Guidance Document 76-21.3.1, Funeral Inspection Report*

Ms. Tillman Wolf provided an overview of the proposed changes to Guidance Document 76-21.3.1., Funeral Inspection Report.

Upon a **MOTION** by Mr. Graves, and properly seconded by Mr. Walton, the Board voted to adopt the revisions to Guidance Document 76-21.3.1 as presented. The motion passed unanimously by roll call. Ms. Mimms reminded the board that the Guidance Document changes will undergo a 30-day comment period before becoming effective.

**BREAK**

The Board took a break at 11:20 a.m. The Board reconvened at 11:31 a.m.

**COMMITTEE AND BOARD MEMBER REPORTS**

*Board President Report – Mia Mimms, FSL*

Ms. Mimms reported that she was able to attend the International Conference 116<sup>th</sup> Annual Meeting, along with Mr. Nelsen, Ms. Tillman Wolf, and Ms. Palmatier from February 18-20, 2020.

Ms. Mimms reported on the webinar presented by Corie Tillman Wolf and Marshall Vogt, Senior Epidemiologist with the Virginia Department of Health on COVID-19 and the funeral industry on April 19, 2020. She reported that the webinar provided a general overview of COVID-19 and its impact on the U.S. and Virginia.

Ms. Mimms welcomed Mr. Graves to the Board. Ms. Mimms announced Ms. Steele's term expiration. She thanked Ms. Steele for her time and dedication to the Board. Ms. Mimms thanked the licensees for service to the community during the COVID-19 pandemic. She also thanked the DHP staff for support to the Board of Funeral Directors and Embalmers.

Mr. Graves expressed his eagerness to serve on the Board in the future.

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

Mr. Jones stated that the Board of Health Professions met virtually on June 25, 2020. He provided an overview of the June 25, 2020 meeting. Minutes from the Board meeting on February 27, 2020 were included in the agenda packet.

*Updates from the Conference Annual Meeting – Mia Mimms, FSL, and Blair Nelsen, FSL*

Ms. Mimms reported on the Annual Meeting of the International Conference of Funeral Service Examining Boards. During elections for the Conference Board, Mr. Nelsen was elected as Vice President and re-elected as Delegate for District 2.

Mr. Nelsen reported on the Conference Annual Meeting, which included a presentation by Ms. Tillman Wolf and himself on the Sanctioning Reference Points (SRP) guidelines from Virginia. He also reported on a presentation regarding Washington State law that authorizes the composting of human remains as a method of disposal called Natural Organic Reduction. Mr. Nelsen also reported on Vermont's alternate path to Funeral Director licensure, as they are experiencing a shortage of funeral directors in that state. Mr. Nelsen reported the Vermont has created a mortuary sciences program and internship program for licensure in that state.

*Report on the National Board Examination (NBE) – Blair Nelsen, FSL*

Mr. Nelsen reported on the National Board Examination (NBE) and provided an overview of the exam and how it is developed.

Mr. Hanif requested further information from Mr. Nelsen on the Natural Organic Reduction method. Ms. Tillman Wolf stated that a link to presentations from the Conference Annual Meeting would be sent to Board members following the meeting.

**STAFF REPORTS**

*Executive Director's Report – Corie E. Tillman Wolf*

Ms. Tillman Wolf welcomed Mr. Graves to his first Board meeting.

Ms. Tillman Wolf thanked Ms. Steele for her service to the Board.

Ms. Tillman Wolf provided an overview of the COVID-19 response. She reported that the first COVID-19 related Executive Order was issued by Governor Northam on March 12, 2020, with numerous Executive Orders and Amended Orders issued within a short period thereafter. The Orders and related guidance have evolved rapidly over the past four months and changed on an almost daily basis early in the pandemic.

She explained that an existing Executive Order outlining the state's Emergency Action Plan (EO 42) included language related to the Board and to regulations for storage and handling of decedents during a mass fatality event as determined by the Office of the Chief Medical Examiner (OCME).

Ms. Tillman Wolf stated that the scope and nature of the pandemic was not contemplated by the Board's existing statues and regulations. She reported a reliance on expertise from the Virginia Department of Health (VDH) and the Centers for Disease Control (CDC) regarding precautions. She explained the role of the Board during the pandemic.

Ms. Tillman Wolf reported on the Board communication throughout the COVID-19 pandemic and stated that several emails to licensees, as well as updates to the website have been completed. She reported on the blanket extension offered for continuing education completion, allowing a six-month CE extension beyond the March 31 renewal deadline, as well as the agency waiver of late fees for renewals beginning with renewals due in March. Ms. Tillman Wolf reported on board operations during COVID-19 including staffing, discipline operations, licensing operations, and Enforcement Division inspections.



Ms. Tillman Wolf reported on a number of issues that have arisen during the pandemic, including the potential confusion regarding CE requirements and how CE can be obtained, as well as inter-agency coordination and information sharing. She stated that she has been coordinating with the OCME on additional resources specifically for funeral directors and embalmers, including data collection, information on the EDRS and Cremation Module, and the Mass Fatality Task Force.

Mr. Nelsen left the meeting at 12:05 p.m.

Ms. Tillman Wolf provided brief updates from the International Conference of Funeral Service Examining Boards (the Conference) and their Annual Meeting in February 2020, in which Mr. Nelsen was sworn in for a second term as District 2 Director and was elected as Vice-President of the Conference Board. She announced that Ms. Palmatier was appointed to the Model Rules Advisory Committee.

Ms. Tillman Wolf reported on updates from the Federal Trade Commission (FTC) which solicited public comment on the Funeral Rule for a planned review of the existing regulations. She stated that the FTC issued a new “Tip Sheet” for providers on “Price List Essentials.”

Ms. Tillman Wolf provided an updated on the Educational Programs and noted the recent accreditation decisions of funeral service programs by the American Board of Funeral Service Education (ABFSE) including the continued accreditation of John Tyler Community College and Tidewater Community College.

Ms. Tillman Wolf provided updates on the State Laws, Rules and Regulations Examination (LRR) providing statistics from 2019 and the need for the Examination Committee to convene to review and update exam questions and to discuss options for professional services.

Ms. Tillman Wolf updated the Board regarding Surface Transportation and Removal Services. She reported a dramatic increase of applications in 2019 and 2020 with a 300% increase from 2018 to 2019, and a 200% increase from 2018 to YTD 2020. She said there have been an influx of questions that the Board has received related to registrations. She stated that the registration requirements may be an issue requiring further review and analysis by the Board.

Ms. Tillman Wolf provided a report on inspections of establishments and crematories for the 2019 calendar year. She noted the following:

- Inspections Conducted: Total 194
  - Main = 116
  - Branch = 27
  - Crematory = 51
- Funeral Establishments
  - Routine = 121 (85%)
  - New/Change of Owner = 21 (14.7%)
  - Reinspection = 1 (0.3%)

Ms. Tillman Wolf reported on the following deficiencies cited in 2019:

- Main and Branch

- 153 violations cited over 143 facilities
  - 70 facilities with no deficiencies = 49%
  - 73 facilities with at least one deficiency = 51%
    - One deficiency = 41 facilities (56%)
    - Two deficiencies = 18 facilities (25%)
    - Three or more deficiencies = 14 facilities (19%)
- Crematories
  - 8 violations cited over 8 facilities
    - 43 facilities with no deficiencies = 84.3%
    - 4 deficiencies (50%) – no DEQ permit

Ms. Tillman Wolf reported on the most common deficiencies in main and branch establishments for 2019 to include:

- General Price List (n=74, 48%)
  - *Incorrect Prices/Price Ranges (n = 52)*
    - *49/52 were immediate burial/direct cremation prices/price ranges*
  - *Incorrect/Missing Disclosures (n = 20)*
  - *Incorrect/Missing Information (n = 2)*
- Alphabetical/Chronological Preneed Listing (n = 17, 11%)
- Embalming Authorization (n = 17, 11%)
- Preparation Room (n = 15, 10%)
- Itemized Statement (n = 8, 5%)
- CPL/OBCPL (n = 6, 4%)
- Embalming Report (n = 4, 3%)
- Posting of License (n = 2, 1.3%)
- Records Retention (n = 2, 1.3%)
- Other/Unspecified (n = 8, 5%)

Dr. Hickey inquired about the number of deficiencies and the most common deficiency with the General Price List. Ms. Tillman Wolf said that, while she cannot speculate as to the reason for the high number of GPL deficiencies, it might be due to facilities forgetting to update the ranges on the general price list following a change in casket or other prices.

Ms. Tillman Wolf reported on specific questions received, including whether a funeral home can have an embalming/preparation room on-site or on-property but not physically located within the main building of an establishment. After some discussion by the Board, it was requested by Ms. Mimms to defer this topic to the next Board meeting to allow for research into this question.

Ms. Tillman Wolf reported a second question received concerning the General Price List (GPL) and whether the statement “A complete price list will be provided at the funeral home” is required when the GPL already includes a full listing of casket and OBC prices. Ms. Tillman Wolf explained that, upon review of the Funeral Rule, the statement is not required when casket and outer burial container prices are already contained in full in the GPL. As a result, Ms. Tillman Wolf incorporated a proposed notation in the inspection form, which was previously discussed by the Board.

Ms. Tillman Wolf provided Vital Records and EDRS updates from Janet Rainey, State Registrar regarding limited public access to the vital records offices, proposed updates for the Monthly Funeral Director Reports, the increase in number of physicians signed up for EDRS, and continued collaboration with the Board. Ms. Tillman Wolf reported that a joint letter from the Board of Medicine and the Board of Funeral Directors and Embalmers regarding the use of EDRS was distributed to licensees by email in January.

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

Licensure Statistics – All Licenses

License	July 13, 2020	July 10, 2019	Difference (+/-)
Funeral Service Licensees	1,506	1,518	-12
Funeral Director	33	36	-3
Embalmer Only	2	2	--
Supervisors	591	568	23
Interns	193	186	7
Establishments	411	420	-9
Branch Establishments	86	79	7
Crematories	112	115	-3
CE Providers	9	12	-3
Courtesy Card Holders	105	110	-5
Surface Transport & Removal Svc.	48	44	4
<b>Total (*not incl. supervisors)</b>	<b>2,505</b>	<b>2,522</b>	<b>-17</b>

Ms. Tillman Wolf summarized the upcoming action items for the Board to include:

- Regulatory Advisory Panel and SB 1044
- Examination Committee
- Continued Collaboration and Information Sharing - E-mail Blast planned for Summer 2020
- Inspections Training – first “roll-out” on July 22<sup>nd</sup> for IFHV
- Board Appointments

Ms. Tillman Wolf presented the Expenditure and Revenue Summary.

Cash Balance as of June 30, 2019	\$674,414
YTD FY20 Revenue	\$678,810
Less YTD Direct & In-Direct Expenditures	\$579,482
<b>Cash Balance as of May 31, 2020</b>	<b>\$773,742</b>

Ms. Tillman Wolf announced the next scheduled Board meeting as October 6, 2020.

*Deputy Director’s Discipline Report*

As of July 2, 2020, Ms. Palmatier reported the following disciplinary statistics:

- 52 total cases
  - 4 at Informal
  - 1 at Formal
  - 15 in Investigation
  - 2 at APD
  - 30 in Probable Cause
  - 10 in Compliance Monitoring

Ms. Palmatier stated that the Clearance Rate was 110% (Goal is 100%) – 10 cases received, 11 cases closed. Ms. Palmatier stated that the caseload over 250 days was 14% (Goal under 20%) with 4 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 250 days is at 55% (Goal is over 90%) with 6 cases closed within 250 days. Ms. Palmatier stated that the cases closed within 415 days is at 100% with 11 cases closed.

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

- Q4 2017 – 22/20
- Q1 2018 – 12/14
- Q2 2018 – 8/7
- Q3 2018 – 12/18
- Q4 2018 – 13/24
- Q1 2019 – 26/13
- Q2 2019 – 23/6
- Q3 2019 – 18/25
- Q4 2019 – 10/16
- Q1 2020 – 20/20
- Q2 2020 – 35/21
- Q3 2020 – 17/30

Percentage of all cases closed in 365 days

	Q2-19	Q3-19	Q4-19	Q1-20	Q2-20	Q3-20
FDE	83.3%	100%	73.3%	80.5%	90.3%	68.1%
Agency	84%	76.4%	82.3%	80.6%	72.9%	74.3%

Average age of cases closed

	Q2-19	Q3-19	Q4-19	Q1-20	Q2-20	Q3-20
FDE	298.8	116	259	287	180	243.7
Agency	169.2	258	204	214	258.4	236.4

With no questions, Ms. Palmatier concluded her report.

### *Licensing Report*

Ms. Georgen provided application updates for the Crematory Registration application and the CE Provider application. She reported on the reformatting of the CE Provider application and update to the number of compact discs required to submit with the application. She stated that the forms were included in the agenda packet for review.

Ms. Georgen provided an update of the 2019 Continuing Education Audit and provided the following information:

- Audited 75 licensees (approximately 5% of licensees)
- Audit began October 1, 2019
- Continuing Education audit was based on CE completed from April 1, 2018 to March 31, 2019
- Of those audited, 63 licensees were found to be in compliance
- The following number of licensees were not in compliance:
  - 10 licensees were referred for disciplinary action
  - 1 licensee requested inactive status
  - 1 licensee was deceased

Ms. Georgen reported the most frequent reasons for non-compliance as missing the required “Laws and Regulations” requirement, continuing education was completed out of the timeframe required, continuing education was obtained from a non-approved provider, or the contact information of the licensee was outdated.

Ms. Georgen also announced that the Board had updated all applications in regards to the updated military questions as approved by the General Assembly.

### **NEXT MEETING**

The next meeting date is October 6, 2020.

### **CONTINUING EDUCATION CREDIT**

Ms. Mimms provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 65-20-151. She announced that continuing education would be awarded to those that provided their first name, last name, license number, and the meeting code by email to [fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov) by July 21, 2020.

### **ADJOURNMENT**

With all business concluded, the meeting adjourned at 12:44 p.m.

A video recording of this meeting can be accessed at:

[https://www.youtube.com/watch?v=tgYmKHp\\_lxQ&feature=youtu.be](https://www.youtube.com/watch?v=tgYmKHp_lxQ&feature=youtu.be).

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Mia Mimms, FSL, Board President

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Corie Tillman Wolf, J.D., Executive Director

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Date

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Date

**From:** [Miller, Ross - ETA](#)  
**To:** ["Sarah Georgen"; "corie.wolf@dhp.virginia.gov"](#)  
**Cc:** ["jramsey@timesdispatch.com"; "Lindsay Watts"; "Bui, Lynh"; "Ashworth, Amy"; Kostelecky, Anthony; "Barnard, Barry M."; "Vega, Yesli"; "Shan S"; Shannon Sutton](#)  
**Subject:** RE: Virginia Board of Funeral Directors and Embalmers - Quarterly Board Meeting - July 14, 2020  
**Date:** Sunday, July 5, 2020 8:07:57 PM  
**Attachments:** [0502900881Order03042020.pdf](#)  
[0501000830Order04192019.pdf](#)  
[Funeral Director's July 14th Meeting.pdf](#)  
[Public comment - Virginia Board of Funeral Director's Meeting July 14, 2020.docx](#)  
**Importance:** High

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I would love to participate and to provide public comment for the Board's July 14<sup>th</sup> meeting. I do so in writing (also attached as a word document) as preferred:

Thank you for the opportunity to comment. My name is Ross Miller. I live at 9605 Letta Cornus Lane, Nokesville VA. 20181. Reference: VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS FORMAL ADMINISTRATIVE HEARING MINUTES for February 26, 2020 (Unapproved)

Previously I have made public comment and requested or provided input on rule changes. Additionally, I have requested to testify in a hearing involving my own complaint against a person providing unlicensed funeral services, his being aided and abetted by a Funeral Service Licensee (FSL), and questions of the validity of my wife's death certificate (the request was rejected by the Board's President upon off record conversation with Erin L. Barrett, Assistant Attorney General and the Board's President – no legal citation was provided, and no Board vote was made). The request and the subsequent denial decision are excluded from the public record/ meeting minutes.

I was subject to the unscrupulous actions by two individuals who were licensed by the Board (one to operate a funeral home and the other as a FSL/manager of record). My experiences involved situations upon which the Board took action based upon my and other victims' complaints and the resulting investigational findings by the DHP investigator. This includes the Town of Dumfries, who's case against Shaun A. Reid for misrepresentation was treated separately. The four other remaining complaints against these two licensees were combined into a single case and heard on February 26<sup>th</sup>. I attach the Board Findings and decisions in these two cases.

My interactions with the Board have been and are to ensure appropriate results for victims of licensees' or unlicensed persons illegal actions. Also, I have sought process changes to close weaknesses in the system that I identified in my experience. I have and to continue to ask that the Board (re)consider its operational processes under Commonwealth law and regulation. My concern was initially raised when I found that my simultaneous request/complaint to Prince William County Police for their investigation was shut down at the DHP's investigator's request (even though Shaun A. Reid had a County service agreement based on an license obtained illegally from the State). More recently, I found that a complaint to the Prince William Commonwealth's Attorney case was closed. I continue to seek action against two persons based on the Board's findings.

I have sought a change to the Board's rules and procedures, which the Board found mute under a subsequent change to State Law (<https://law.lis.virginia.gov/vacode/title54.1/chapter24/section54.1-2400.2/>). I agree that this law and the subsequent accomplish my desire. The law definitely permits the Board and DHP to report issues to the appropriate Commonwealth Attorneys, law enforcement officials, and seek their assistance. Specifically when the Board and/or DHP investigations reveal "suspected" illegal conduct. This law does not require the Board to reach a conclusion and take action on the license(s) – only that a suspicion exists and the referral is appropriate and lawful. If am misunderstanding the Commonwealth law, then I think an appropriate explanation of Department's interpretation should be provided on DHP's websites such as the Funeral Board's.

For example with the use of the word purported in its findings in the order 050290081, it appears that the DHP/Board during its investigation failed to request the appropriate State Police investigative units provide a conclusion on potential forgery/misrepresentation (felonies under state law) involving multiple death certificates.

a. Between August 2018 and November 2018, death certificates were filed for Decedent A, Decedent B, Decedent C, Decedent D, and Decedent E with signatures purported to be that of Ms. Stewart. By her own admission, Ms. Stewart had no involvement in the funeral services for any of the decedents, and the death certificates were filed with the Virginia Department of Health in person by Mr. Reid. Ms. Stewart stated she did not know who obtained or what entity issued death certificates for Decedents A, C, and E.

Administrative action is clearly separate from prosecution of illegal conduct. Even in the Order 050100830 the finding was not referred to the Commonwealth for prosecution for potential prosecution under [§ 18.2-498.3. Misrepresentations prohibited](#). In my case, I had to specifically request the Prince William Commonwealth's Attorney contact the DHP and request them to provide such case information for 051000830 and 0502900881 after the Board revoked the licenses involved.

By the time the Board made its findings in both of these formal hearings, Shaun Reid had pleaded guilty to forgery of a death certificate in Maryland (two of seven counts shown below). This was after the District of Columbia also investigated the legitimacy of death certificates associated with another funeral business operated by Reid. As far as I can see D.C. did not publish the investigation's results. However, news reports suggest that he was fined thousands of dollars by court action and his contract with D. C. revoked. Therefore, I again request that the Board and appropriate DHP staff be trained on all of the parts of [law](#) cited above – not just its subsequent amendments, its requirements, the sections for release of information to the appropriate authorities and to seek investigational assistance when expertise or resources are outside DHP's domain.

In conclusion, as the next of kin or the widower of "Decedent B" (Not her name. Her name was Kitty Miller and she died of ovarian cancer with her own dignity – she fought until her body unexpectedly gave up to our surprise. We had been married for many years and shared many things). However, I continue to seek prosecution of the individuals involved in my wife's illegal funeral services and cremation (Shaun A. Reid and Kenya Stewart). But for some reason, such prosecution is now seems questionable. Clearly, during the course of the DHP and Board's investigation and their resulting findings, it was found these two individuals violated State law and regulation (also Federal regulation) on multiple occasions. The Department and the Board developed information that Shaun Ashley Reid practiced unlicensed funeral services, among other misdemeanors, and he was aided and abetted by Kenya Stewart. The Board and DHP appears not to have notified or referred the concerns or findings to the appropriate legal authorities for actions. I was told that because Reid was not licensed by the board for funeral services the Board and DHP would not take action on the many violations (cited in Board's action on Kenya Stewart's license 0502900881) identified against Reid.

As noted above, the action of DHP and the Board left the question of the legitimacy signatures on death certificate unresolved. For example, I did not receive a conclusion on whether the medical examiner actually signed the certificate for the release of her body for cremation or whether Kenya Stewart signed her death certificate. Finally, in the suspension of Reid Funeral Home license, the board did not refer the case for misrepresentation to State authorities (a Felony under state law). Instead leaving the Town of Dumfries to face a lawsuit and those of us other interested parties to seek criminal resolution from other authorities.

This is a sad story if one looks at the path of destruction that Shawn A. Reid has left behind in the [District of Columbia \(Funeral Board\)](#) (shown below), Maryland (case results below), leading to here in Virginia (attached). Of the three jurisdictions, it appears that Virginia has acted in the weakest manner. Even though the investigation revealed, the Board appears to have ignore Reid's illegal operation of another funeral home (Shaun A. Reid Funeral Services & Memorial Chapel, LLC, 415 Halifax St, Petersburg, VA 23803) in the Commonwealth. One can only surmise that the premise applied to Reid's other unlicensed practices applied because he was not licensed by the Board and therefore they again had no jurisdiction – not unlike unlicensed practice by Reid in the order against Kenya Stewart.



## Shaun A. Reid Funeral Services & Memorial Chapel, LLC

415 Halifax St, Petersburg, VA

3.8 ★★★★★ 4 reviews

Sort by: Most relevant



**Tierra Morton**  
1 review

★★★★★ 3 years ago

During your time of loss, is when you trust that people are sincerely genuine! You expect that the people responsible for laying your loved one too rest will help bring some closure as you prepare to say your final farewell! That did not happen with Shaun A Reid, he expressed eagerness for the money but we assumed it was to get the body transferred and the process started. And because "We" love and cherished our loved one we wanted to send him away accordingly to his style of living and Shaun appeared to have great services too meet our needs. That was until 7 months later we still have not received a death certificate nor the customized necklaces we paid \$1150 for and we have not been able to get a refund or get Shaun to speak with our family. To date he has blocked many of us on social media and never returns the calls as he promises. I am writing this review in hopes that no one else will have to experience this ongoing pain after losing a loved one! Shaun if you see this please know that all we want is what we paid for. We trusted you and paid you with no hesitation and we expect you to deliver as promised!!!



### Maryland Case Information

Date: 10/23/2018

Docket Text: Counts: (1) Theft: \$1,000 to Under \$10,000, (2-4) Forgery and Counterfeit-Private Documents, (5-7) Issue False Document, fld, 670

**Court System: Circuit Court for Prince George's County - Criminal System**

**Case Number: CT181363X**

**Case Description: Shaun Ashley Reid**

**Case Type: Criminal Appeal**

**Filing Date: 10/23/2018**

**Case Status: Active Status**

Date: 04/12/2019

Document Name: Adult Daily Sheet, Filed

**666TDF Judge Mittelstaedt; CS-D2022 Waiver of Rights/Guilty Plea, filed Plea of not guilty withdrawn and plea of guilty entered to Count 4: Forgery and Counterfeit-Private Documents, Count 7: Issue False Document Court accepts plea. Pre-Sentence Report waived. Sentenced to the Division of Correction as follows: Count 4 for a period of 3 years; all suspended. Count 7 for a period of 3 years, concurrent with Count 4, all suspended. 0 days credit given. Defendant is placed on supervised probation for a period of 2 years. Court costs assessed \$145.00 through Parole and Probation Order for Probation, filed Nolle Pros remaining counts. Any bench warrants are recalled. Any bond discharged.**

Docket Text:

### District of Columbia

### Agenda Items – Complaint(s)

- In the matter of Shaun A. Reid Funeral Services and Memorial Chapel, LLC. Upon a motion duly made by Board member John McGuire and properly seconded by Board member Asanti Williams, the Board unanimously voted, to investigate all Designated Funeral Directors who worked with Shaun Reid and Shaun Reid Funeral Services and Memorial Chapel, LLC funeral establishment beginning October 10, 2016 through March 16, 2017 be investigated to ascertain their knowledge of the illegal activities while working for Shaun Reid.

Please correct the public record. Again, I thank you for the chance to seek redress through improving the Board.

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**From:** Sarah Georgen <Sarah.Georgen@dhp.virginia.gov>

**Sent:** Tuesday, June 30, 2020 4:51 PM

**To:** sarah.georgen@dhp.virginia.gov

**Subject:** Virginia Board of Funeral Directors and Embalmers - Quarterly Board Meeting - July 14, 2020

Good afternoon,

You are being contacted as part of the Virginia Board of Funeral Directors and Embalmers PPG list.

The Virginia Board of Funeral Directors and Embalmers will convene a **\*virtual\*** Quarterly Board meeting on July 14, 2020 at 9:00 a.m. The agenda packet materials for the Board meeting are available by [clicking this link](#).

Please let me know if you have any questions or concerns.

Kind regards,

*Sarah Georgen*

Licensing and Operations Manager

Boards of Funeral Directors & Embalmers,

Physical Therapy, and Long-Term Care Administrators

(804) 597-4125 Direct Dial

Visit our website: [www.dhp.virginia.gov](http://www.dhp.virginia.gov)

The DHP mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

Any and all statements provided herein shall not be construed as an official policy, position, opinion, or statement of the Virginia Board of Physical Therapy, Long Term Care Administrators, or Funeral Directors and Embalmers. Board staff cannot and do not provide legal advice. Board staff provides assistance to the public by providing reference to Board statutes and regulations; however, any such assistance provided by Board staff shall not be construed as legal advice for any particular situation, nor shall any such assistance be construed to communicate all applicable laws and regulations governing any particular situation or occupation. Please consult an attorney regarding any legal questions related to state and federal laws and regulations, including the interpretation and application of the laws and regulations of VBOPT, VBOLTCA, or VBOFDE.

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----- Forwarded message -----

From: <[mrbarryde@aol.com](mailto:mrbarryde@aol.com)>

Date: Fri, Jul 10, 2020 at 3:02 PM

Subject: July Board Meeting (Public Comments)

To: <[corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov)>

Greetings Madam President, Executive Director, Board Members, and Staff

My name is Barry D, Robinson, representative for the Virginia Morticians Association, Inc. We would like to publicly acknowledge the outstanding support of the board's staff during this pandemic period. When we called the office, ours questions and calls were answered quickly and professional.

Secondly, with many in person conferences and seminars being canceled, have the board considered or discussed the number hours a licensee can obtain via virtual activities for the 2021 renewal and if a plan is in placed for the new norm of video conferences.

Lastly, looking for clarification on length of internship or renewal of intern licenses.

Thank You,

Barry D. Robinson



Dr. David E. Brown  
Executive Director  
Virginia Department of Health Professions  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463

Corie E. Tillman Wolf  
Executive Director  
Virginia Board of Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463

July 13, 2020

Dear Dr. Brown and Ms. Tillman Wolf,

As you know, observers of many faiths, including the Islamic tradition, do not embalm the bodies of their deceased. In fact we believe it violates the body of the departed and that engaging in the practice is a sin for Muslims. Although some faiths allow embalming, others consider it sacrilege. Therefore, we disagree that this practice should be a requirement for all funeral directors in the Commonwealth. The title of this Board distinguishes between "Funeral Directors" and "Embalmers," and the licenses should as well. There should be a separate license for embalmers that still allows funeral directors to serve as managers of funeral establishments.

Religious diversity in Virginia is one thing that makes our state special. Imagine for a moment that anyone issuing a marriage license must be able to perform a wedding ceremony in accordance with the Islamic tradition. For those officiating weddings for couples who are not Muslims, it would be unnecessary for them to complete educational and examination requirements for a service they will never be providing.

Hundreds of thousands of Muslims live in the Commonwealth of Virginia. A leader of the Muslim community must be appointed to the Regulatory Advisory Panel to ensure that the

intent of the legislation is fulfilled. Muslims make up a higher percentage of the population in Virginia than the nation as a whole and this should be reflected in its advisory panels.

We believe the following provisions will ensure all Virginians are able to practice in funeral service, regardless of their faith, and ask for them to be included:

- Funeral Directors must not be required to practice under a Funeral Service License;
- Funeral Directors must be able to serve as managers of funeral establishments;
- Educational and examination requirements should be those for a funeral director only, not an embalmer;
- A leader of the Muslim community must be appointed to the Regulatory Advisory Panel to ensure the intent of the legislation is fulfilled; and
- Opposition to restrictions on the funeral director license that amount to restraint of trade.

Muslims of Northern Virginia are tracking the progress the board will be making on this important matter, and we sincerely hope that there is separation of funeral director licenses from embalmer licenses.

Sincerely,

**Allison Carpenter**  
Chair, Interfaith Programs Committee  
Secretary, Board of Directors  
McLean Islamic Center  
8800 Jarrett Valley Drive  
Vienna, Virginia 22182  
[secretary@mcleanmuslims.org](mailto:secretary@mcleanmuslims.org)

cc: Senator Jeremy McPike  
P.O. Box 2819  
Woodbridge, VA 22195

## Chapter 20 – Regulations Governing the Practice of Funeral Services

### Action:

Results of periodic review

Stage: Final

### CHAPTER 20

### REGULATIONS GOVERNING THE PRACTICE OF THE BOARD OF FUNERAL DIRECTORS AND EMBALMERS 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~~ that 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.

#### **18VAC65-20-50. 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 provided 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. Renewal notices may be mailed or sent electronically by the board.

**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
<u>7. Inactive funeral service, funeral director, or embalmer license</u>	<u>\$115</u>

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 not included on initial or renewal application ( <u>per application for review of additional courses not per individual course</u> )	\$300

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

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

**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, funeral 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 that 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 that~~ 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.

#### **18VAC65-20-151. 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 education 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 the continuing education courses ~~courses~~ course that ~~meet~~ meets 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. ~~Continued~~ Renewed approval of a continuing education provider may be granted without submission of ~~the provider~~ an additional course review 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 ~~a provider~~ an additional course review 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, a funeral director, or an 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 \$145, 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, a funeral director, or an 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

#### **18VAC65-20-170. 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 for 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 contain 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 60 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 corrections of any deficiencies identified during the course of an inspection of the establishment.

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

A. Application requirements. ~~4.~~ 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.

Part IV  
Registration

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

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;
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~~ bloodborne 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.

#### **18VAC65-20-435. 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 colocated 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 (CANAm); 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~~ bloodborne 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. When 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. 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° 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~~ next of kin for return to the funeral establishment or to the ~~next of kin~~ 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~~ 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~~ next of kin or the person authorized by § 54.1-2818.1 of the Code of Virginia 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, unrestricted licensure for funeral service license in good standing from the applicant's licensing authority, 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.

#### 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 that~~ 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 that~~ 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.**

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; and
5. The name of each student and the signature of the supervisor of any mortuary science student who assisted in the embalming.

#### **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, or student 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~~ that is immediately accessible, either in the preparation room or outside the door to the preparation room.

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

A. The following retention schedule shall apply:

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. When 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.

## Chapter 30 – Regulations for Preneed Funeral Planning

Periodic review 2018

Stage: Final

Part I

General Information

### 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.

## Part II Sale of Preneed Plans

### **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, or 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 [ or a licensed funeral director ] . 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 year~~ 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 that~~ discontinues its business operations, whether by closure or change of ownership, shall notify the board and each existing contract buyer in writing- in accordance with the following provisions:

1. A contract provider that discontinues its business operations by closure shall:

a. Provide to the board a current list of preneed contracts at the time of closure; and

b. Notify each existing contract buyer in writing prior to closure and include a statement in the notification regarding the contract buyer's right to change the contract provider at any time prior to at-need.

2. If a contract provider changes ownership and the new establishment intends to honor existing contracts, the new establishment shall provide notice of the change of ownership and intent to honor existing contracts in a publication of general circulation in the locality where the establishment is located within 90 days after the change in ownership.

3. If a contract provider changes ownership and the new establishment does not intend to honor existing contracts, notification shall be provided to each existing contract buyer in writing within 90 days after the change in ownership. The notice shall include a statement regarding the contract buyer's right to change the contract provider at any time prior to at-need.

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 the buyer 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.

#### **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.

#### **18VAC65-30-180. 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.

Part VIII  
Required Content of Contracts and Disclosures

**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 goods and services are nonguaranteed, your family or estate may incur additional costs 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 cemetery or crematory services, pall bearers, 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 or Funeral Service Licensee License Number:	

~~Method of Funding~~ II. 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.~~ 1. Buyer:

~~B.~~ 2. Insurance Company:

~~C.~~ 3. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director or Funeral Service Licensee in Virginia: \_\_\_yes \_\_\_no

Funeral Director or Funeral Service Licensee 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 for complaints: 1-800-533-1560

FAX: (804) 527-4413

Website: [www.dhp.virginia.gov](http://www.dhp.virginia.gov)

### 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 contract 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~~ that 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. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances ~~which~~ that apply);
4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):
  - A. 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. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

~~Addendum to Preneed Contract~~ IX. 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 ~~means~~ contracts mean just the opposite.

Nonguaranteed contracts mean 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 its execution ~~the signing of the agreement~~ except in accordance with ~~§ 64.2-729~~ §§ 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. A funeral home is required to notify you in writing if it closes or is sold to a buyer that does not intend to honor your preneed contract.

## 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 that~~ 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 that~~ 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 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. The nonguaranteed prices may be written in at the time of this contract with you 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 actual 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 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, embalming~~ 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 such as in a safe place or with the person designated to make arrangements at the time of your death.

-- 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 related documents are required to be kept by the funeral home for three years after your death.

## 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

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233

Telephone Number: (804) 367-4479

Toll Free Number for complaints: 1-800-533-1560

Fax: (804) 527-4413

Website: [www.dhp.virginia.gov](http://www.dhp.virginia.gov)



The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a Regulatory Advisory Panel meeting on Friday, August 14, 2020, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

**PANEL MEMBERS PRESENT:**

Mia Mimms, FSL, JD, Board President, Panel Chair (On-Site)  
R. Thomas Slusser, Jr., FSL, Board Vice-President (Virtual)  
Kenneth Scott Hickey, M.D., Board Secretary Treasurer, Citizen Member (Virtual)  
Joseph Frank Walton, FSL, Board Member/Educator (On-Site)  
Paul Harris, Regulatory Support Services, Inc. (Virtual)  
Barry Robinson, FSL, Virginia Mortician's Association (Virtual)  
Laurence Spiaggi, FSL, Virginia Funeral Directors' Association\* (Virtual)  
John Paul Welch, FSL, Representative, Association of Independent Funeral Homes of Virginia (Virtual)

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

Erin Barrett, Assistant Attorney General, Board Counsel (Virtual)  
David Brown, DC, DHP Director (Virtual)  
Sarah Georgen, Licensing and Operations Manager (On-Site)  
Kelley Palmatier, Deputy Executive Director (Virtual)  
Corie Tillman Wolf, Executive Director (On-Site)  
Heather Wright, Board Program Manager (On-Site)  
Matt Treacy, Media Production Specialist (Virtual)

**OTHER GUESTS PRESENT (VIRTUAL)**

Suja Amir  
Imam Ammar Amonette  
Angela Bezik, Virginia Funeral Directors' Association  
Chuck Duvall  
Jerry Gentile  
Muhammad Hanif, Citizen Member  
Caressa Hughes  
Scott Johnson  
Jamie Karpa, FSL\*  
Bruce Keeney, Association of Independent Funeral Homes of Virginia  
Malena Llanos  
Hon. Jeremy McPike, Senate of Virginia  
Blair Nelsen, FSL, Board Member\*  
Dalene Paull, The International Conference of Funeral Service Examining Boards  
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge

Samuel Rhue, Sr., FSL\*

Amir Saeed

Lauren Thomas, The International Conference of Funeral Service Examining Boards

Ben Traynham

Lacy Whitaker, Virginia Funeral Directors' Association

Joseph Michael Williams, FSL, Board Member

Unknown Call-in User 6 (804-240-\*\*\*\*)

Unknown Call-in User 7 (804-337-\*\*\*\*)

Unknown Call-in User 8 (number unknown)

Unknown Call-in User 9 (804-928-\*\*\*\*)

Unknown Call-in User 10 (757-749-\*\*\*\*)

Unknown Call-in User 11 (571-437-\*\*\*\*)

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

## **CALL TO ORDER**

Ms. Mimms called the meeting to order at 9:30 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Ms. Mimms provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Ms. Mimms provided reminders to the Board and public regarding WebEx functions. She completed a roll call of the panel members and staff.

Ms. Mimms read the mission of the Board, which is also the mission of the Department of Health Professions.

## **ORDERING OF THE AGENDA**

Ms. Mimms requested proposed changes to the ordering of the agenda. Hearing none, she proceeded with the meeting.

## **OPENING COMMENTS – Hon. Jeremy McPike, Senate of Virginia**

Ms. Mimms welcomed the Honorable Jeremy McPike, Senate of Virginia, and patron of Senate Bill 1044 to offer opening comments for the meeting.

Senator McPike explained his legislative intent behind SB1044.

## **PUBLIC COMMENT**

Ms. Mimms stated that written public comment had been received from the following individuals:

1. Bruce B. Keeney, Sr., Legislative Counsel, Independent Funeral Homes of Virginia
2. Dr. M. Farooq, President, Islamic Center/Northern Virginia Trust
3. Allison Carpenter, Chair, Interfaith Programs Committee, McLean Islamic Center
4. Josh Slocum, Executive Director, Funeral Consumers Alliance
5. Chavela Painter
6. Armeke Smith
7. Donita Greene
8. Unknown Commenter, Cooper and Humbles
9. Fisher Watkins
10. Sandra Hairston
11. Wendal Givens
12. Maya Ivory
13. Rhonda Pleasants
14. Mary Johnson Fields

Ms. Tillman Wolf stated that one additional written public comment from Suja Amir was received after the deadline and read the comment submitted.

Ms. Mimms stated that the written public comments received by the deadline had been distributed to the panel members prior to the meeting and would be included in the meeting minutes (Attachment A).

Ms. Mimms noted that there were no requests received to provide oral public comment.

## **ISLAMIC JURISPRUDENCE AND BURIAL REQUIREMENTS – Imam Ammar Amonette, Islamic Center of Virginia**

Ms. Mimms welcomed Imam Ammar Amonette from the Islamic Center of Virginia to provide information to the panel members regarding Islamic jurisprudence and burial requirements.

Imam Amonette explained the religious bases for funeral practices in Islam in the context of the bifurcation of funeral licenses.

## **CHARGE OF THE RAP**

Ms. Mimms stated that the Regulatory Advisory Panel (RAP) was convened pursuant to 18VAC65-11-70 of the Board's Regulations related to Public Participation. Ms. Mimms stated that this RAP was convened for the purposes set forth in regulation - to convene stakeholders and other individuals interested in this issue to provide input and technical assistance to the Board regarding the Board's adoption of regulations for the licensure of funeral directors and embalmers as separate license types.

Ms. Mimms stated that the intent of the meeting was to set the stage or build the foundation for the discussion and ultimate recommendations by looking at the available data on funeral directors and embalmers, current statutes and regulations related to licensure, both in Virginia as well as in neighboring states and states with

a separated licensure system, current internship requirements, and examples for education, examination and experience.

Ms. Mimms asked the panel members to consider the following questions during the meeting:

- What requirements for education for a funeral director or for an embalmer will ensure safety and competence to practice in these respective areas?
- What requirements for examination for a funeral director or for an embalmer will demonstrate entry-level safety and competence to practice in these respective areas?
- What should a required internship experience look like for a funeral director? For an embalmer?

Ms. Mimms stated that in addition to the examples for education, examination, and experience, there may be other regulatory areas that require discussion and recommendation, such as possible concerns about scope of practice within the context of unprofessional conduct for purposes of Board disciplinary action, and if there were any clarifying edits needed in the current regulations to address all three license types.

## **PRESENTATIONS OF INFORMATION**

### *Current Laws and Regulations for Licensure and State Comparisons*

Ms. Mimms welcomed Ms. Tillman Wolf, Executive Director of the Board. Ms. Tillman Wolf provided a presentation of the current laws and regulations for licensure and state comparisons. Ms. Tillman Wolf provided a brief background regarding the current scheme of licensure, as well as an overview of the statutes and regulations that currently address funeral directors and embalmers in addition to funeral service licensees. She introduced the three primary areas required for licensure – education, examination, and experience, and provided an overview of current requirements that exist for licensure in other states.

### *Education, Examination, and Experience Requirements*

Ms. Tillman Wolf provided information regarding the education, examination, and experience requirements that exist in Virginia and across the country, including an overview of current accreditation requirements through the American Board of Funeral Service Education (ABFSE), examination requirements through the International Conference of Funeral Service Examining Boards, and current internship requirements.

Mr. Walton stated that the ABFSE currently does not accredit any funeral director only program. He stated that the ABFSE expressed an openness to accrediting a funeral-director only associates degree program in the future.

## **PANEL DISCUSSION AND NEXT STEPS**

Ms. Mimms asked the panel to focus on the questions asked at the beginning of the meeting to start the overall discussion.

*What requirements for education for a funeral director or for an embalmer will ensure safety and competence to practice in these respective areas?*

The panel discussed possible recommendations for the education required for a funeral director and for an embalmer, including level of education, and whether funeral directors should be required to take certain science-based courses.

*What requirements for examination for a funeral director or for an embalmer will demonstrate entry-level safety and competence to practice in these respective areas?*

The panel discussed possible recommendations for examination requirements for a funeral director and for an embalmer, including national and state-level examinations.

*What should a required internship experience look like for a funeral director? For an embalmer?*

The panel discussed possible recommendations for the experience or internship requirements for a funeral director and for an embalmer, including the total number of hours, as well as the number of funerals and arrangements for a funeral director, and the number of embalmings for an embalmer.

## **BREAK**

The Panel took a break at 10:51 a.m. The Panel reconvened at 11:02 a.m.

The meeting experienced a technical interruption at 11:14 a.m. and resumed the meeting at 11:18 a.m. (4 minutes, 13 seconds).

Ms. Tillman Wolf stated that she would draft recommendations discussed at the meeting for consideration at the next meeting (Attachment B).

## **NEXT STEPS**

Ms. Mimms announced the next steps, including drafting initial recommendations for consideration by the Board and compiling information from the discussion and meeting.

Ms. Mimms said that the panel will review the specific regulatory requirements and possible draft language for recommendation to the Board at the next meeting.

Ms. Mimms asked that panel members continue to think about the same questions discussed in the meeting as they relate to the regulatory requirements for licensure.

## **NEXT MEETING**

Ms. Mimms announced that the next Regulatory Advisory Panel would be convened on Tuesday, September 1, 2020 at 9:30 a.m.

## **CONTINUING EDUCATION CREDIT:**

Ms. Mimms provided the steps necessary for participants to be awarded continuing education for attendance of the meeting pursuant to 18 VAC 65-20-151. She announced that continuing education would be awarded to those participants who provided their first name, last name, license number, and the meeting code by email to [fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov) by August 21, 2020.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:49 a.m.

\_\_\_\_\_  
Mia Mimms, FSL, JD, Panel Chair

\_\_\_\_\_  
Corie Tillman Wolf, J.D., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

4461 Cox Road, Suite 110  
 Glen Allen, VA 23060  
 Phone (804) 643-0312  
 Fax (804) 643-0311

IFHVOffice@gmail.com  
[www.ifhv.org](http://www.ifhv.org)



August 11, 2020

To: Virginia Board of Funeral Directors and Embalmers and Its Regulatory Advisory Panel:

*Comments of the Association of Independent Funeral Homes of Virginia Related to the Promulgation of Regulations for Licensed Funeral Directors and Licensed Embalmers....*

The Association of Independent Funeral Homes of Virginia (IFHV) appreciates the opportunity to provide comments in response to the Board promulgating regulations pursuant to SB 1044 of the 2020 (regular) session of the Virginia General Assembly. IFHV represents owners and managers of record of independently owned and operated funeral homes, many of which are family owned and operated and all actively serve and invest in the communities in which they are located.

In developing IFHV's recommendations, we relied on a highly publicized, well attended virtual meeting of IFHV firm owners and managers of record in which every participant provided comments. IFHV's recommendations represent the unanimous collective opinion of those participating in our virtual meeting (including owners and managers of record), and not just a Board of Directors, paid lobbyists, or a Task Force. Participation and input to IFHV included funeral establishments of every size, racial and gender and geographic diversity.

The opportunity to learn more about the Moslem faith's burial requirements, to be presented by Iman Ammar Amoretti, should be of interest to all. IFHV was previously advised the Moslem faith had concerns that current prerequisites for applicants as a funeral service licensee required demonstrating competency in embalming and that embalming is against the Moslem faith. **IFHV believes our recommendations address and resolve those concerns.** In the interim, IFHV recommends the Board of Funeral Directors, and perhaps their legal counsel, provide information as to what those of the Moslem faith may currently provide without a funeral service license. It is our understanding that if no fees or payment are received for transportation, storage and burial of remains, one is not required to be licensed. Additionally, some may not be aware that embalming is not required for burial. Such advice and counsel by the Board may provide options to the Iman which he may not be currently aware. They may also wish to communicate with the funeral homes in Northern Virginia which are currently licensed and operating in Northern Virginia, which we understand are owned by those of the Moslem faith.

It is important that the Regulatory Advisory Panel and the Virginia Board of Funeral Directors and Embalmers be reminded of **why funeral service providers are licensed as a health profession.** The mission of the Virginia Department of Health Professions is "to ensure safe and competent care" by licensed health professions. **Considering the health risks to the public concerning spread of contagious disease (including HIV and COVID19), handling of hazardous waste, etc., it is critical**

**that those providing funeral services are fully and properly trained and educated to safely transport, handle, and prepare human remains for burial or cremation.** Those functions are now and should remain under the “funeral service licensee” (and as appropriate, a licensed embalmer). However, those not handling human remains or embalming should be thoroughly knowledgeable about these processes so they may accurately present information to families making arrangements.

In Virginia, there are **3 different types of licensed funeral providers set forth in statute**, noting SB 1044 limits this regulatory process to just the last two listed. In general, they are:

- 1) **Funeral Service Licensee:** A graduate of an accredited mortuary school, completion of a supervised internship, passage of a National Board examination and a State Board exam. A funeral service licensee is then trained and competent to address the full range of all providing related products and services.
- 2) **Licensed Funeral Director** currently has no application process nor prerequisites for license in that this type of license is used to grandfather existing persons impacted from the last licensing structure change. In general, current Virginia law indicates a licensed Funeral Director can provide the same services as a “funeral service licensee,” except embalming and handling of dead human remains. Note this type of license specifically is tied to being paid for services and products. Thus, a “licensed funeral director,” under current Virginia law would most likely be prohibited from even touching the dead body.
- 3) **Licensed embalmer**, like the licensed funeral director, is tied to a grandfather provision. Note though Virginia law limits this type of license to embalming and restoration services, and does not include involvement with any other products or services.

The review of the current types of license set forth in the Virginia Code is important since regulations must comply with statutory definitions. Furthermore, regulations may clarify but not supersede statute.

IFHV’s recommendations, unanimously embraced by the IFHV “virtual meeting” of its members will:

- 1) Address the wishes of the Moslem faith so that they can be licensed to offer every funeral product and service (except handling human remains) without having to ever embalm a dead human body.
- 2) Address concerns about manpower shortages, especially in rural areas.
- 3) Set forth a shortened and more convenient process for licensing as a “Funeral Director.”
- 4) Maintain the delivery of funeral services by properly requiring varied levels of training which reflect the type of license and services rendered.
- 5) Maintain the protection, safety and health of the public, especially as related to infectious disease, HIV, COVID-14, hazardous waste, etc.

IFHV respectfully recommends (by regulatory change) the following:

- 1) Licensed “Funeral Director” be allowed to engage in and provide everything legally allowed by a “licensed service provider” EXCEPT EMBALMING and RESTORTATION SERVICES, and not handle dead human remains (this reflects current Virginia law.)



- a) The Funeral Director shall be under the direction of, supervised by and accountable (responsible) to a “Funeral Service Licensee” (both) affiliated with the same funeral establishment.
  - b) The Funeral Director shall not be required to perform or demonstrate competency in embalming (including not required to perform embalming as part of their training). However, the Funeral Director shall be educated and knowledgeable about the embalming and restoration process (to be able to competently explain the process to families making arrangements).
  - c) While the Funeral Director is not to engage in any embalming, restorative services of handling remains of dead human bodies, and while their education, training and examination will not be as comprehensive as a funeral service licensee, the applicant for Funeral Director license shall meet the following:
    - (i) Complete at an accredited school of mortuary the required didactic hours for a mortuary science associates degree, except for performing embalming. The applicant for this type of license shall be allowed to have accepted comparable course credit from other accredited colleges or universities, including online courses (i.e. Business Management, Anatomy, Chemistry, Infectious Disease). The Board, in consultation with the two mortuary schools accredited and located in Virginia, shall develop and maintain a list of such course requirements. No embalming lab is to be required.
    - (ii) Applicants for a Funeral Directors license shall pass a national board of which the questions, in determining passing rates, shall include knowledge and understanding but not the technical questions related to embalming. If the National Board includes questions applicable to demonstrating competency in performing embalming (and not knowledge of the embalming process), the Virginia Board consider not use of the national board for this type of exam and instead, develop and require an appropriate examination for Funeral Director.
    - (iii) Prior to applying for a license as a Funeral Director, the applicant shall complete an internship under the supervision of a funeral service licensee. Internship for Funeral Director shall not include actual embalming but may include observation of at least one embalming and one cremation.
    - (iv) Funeral Director shall pass the same Virginia Board exam required of a funeral service licensee (excluding embalming related questions other than those to demonstrate a general knowledge of the process.)
  - d) In that a “manager of record” has certain broad oversight and responsibilities and which require a full level of training and competency based examination, no Funeral Director shall be permitted to serve as a “Manager of Record” (this ensures that the Manager of Record be licensed to provide any and all services.)
- 2) Embalmer:
- a) The current statutory definition be retained as is.
  - b) The licensed embalmer applicant shall be required to complete Board approved courses related and necessary to provide embalming services safely and properly. In developing the required course and hands-on training, the Board shall work with the two accredited Mortuary Schools.

- c) The applicant's instruction shall include performing at least the same number of embalming procedures as required for licensure as a funeral service licensee.
- d) The applicant for an Embalmer's license shall complete embalm and restore at least 15 dead human remains which shall be under the supervision (an abbreviated internship) by either a Funeral Service Licensee or a Virginia licensed embalmer.
- e) The applicant for the Embalmer license shall successfully pass an examination in embalming either developed or accepted by the Board.
- f) If requested either by a Funeral Director or family making arrangements, the licensed Embalmer shall be reasonably available to explain their services to families seeking such information.
- g) The licensed Embalmer and their facilities in which they render services shall be subject to the same standards and inspections of "prep rooms" of a funeral establishment.

Thanks to the advance preparation of the Department's staff, the RAP and State Board now have a wealth of information as to the curriculum, national exams and even State exams already available and designed to address different types of license. IFHV believes there is sufficient and existing types of examinations for licenses as IFHV has recommended and in accordance with their suggested scope.

It may be that a delayed effective date may be necessary to allow the Board to finalize agreements with testing agencies (for national exams). Noteworthy are that IFHV's recommendations:

- should not need statutory changes,
- do fully address the intent of enabling legislation,
- do provide an opportunity to be licensed and serve families in providing specific funeral services for which one is trained and qualified,
- have the funeral service licensee as responsible for oversight of those who do not have their same, highest level of didactic and clinical training, and
- recognize those in the funeral profession as a health profession which protects the health and safety of the public, particularly as related to the transmission infectious disease and hazardous waste when handling human remains.

On behalf of the numerous members developing these recommendations, the Association of Independent Funeral Homes of Virginia encourages your endorsement of these recommendations and welcomes any questions you may have in reviewing our proposal.

Bruce B. Keeney, Sr.  
 Executive Director & Legislative Counsel  
 Association of Independent Funeral Homes of Virginia

BBK/lsm

AUG 11 2020

Dr. David E. Brown  
Executive Director  
Virginia Department of Health Professions  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463  
bhp@dhp.virginia.gov

Corie E. Tillman Wolf  
Executive Director  
Virginia Board of Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463  
Corie.Wolf@dhp.virginia.gov

cc: Senator Jeremy McPike

Dear Dr. Brown and Ms. Tillman Wolf,

As you know, observers of many faiths, including the Islamic tradition, do not embalm the bodies of their deceased. In fact we believe it violates the body of the departed and that engaging in the practice is a sin for Muslims. Although some faiths allow embalming, others consider it sacrilege. Therefore, we disagree that this practice should be a requirement for all funeral directors in the Commonwealth. The title of this Board distinguishes between "Funeral Directors" and "Embalmers," and the licenses should as well. There should be a separate license for embalmers that still allows funeral directors to serve as managers of funeral establishments.

Religious diversity in Virginia is one thing that makes our state special. Imagine for a moment that anyone issuing a marriage license must be able to perform a wedding ceremony in accordance with the Islamic tradition. For those officiating weddings for couples who are not Muslims, it would be unnecessary for them to complete educational and examination requirements for a service they will never be providing.


Hundreds of thousands of Muslims live in the Commonwealth of Virginia. A leader of the Muslim community must be appointed to the Regulatory Advisory Panel to ensure that the intent of the legislation is fulfilled. Muslims make up a higher percentage of the population in Virginia than the nation as a whole and this should be reflected in its advisory panels.

We believe the following provisions will ensure all Virginians are able to practice in funeral service, regardless of their faith, and ask for them to be included:

- Funeral Directors must not be required to practice under a Funeral Service License;
- Funeral Directors must be able to serve as managers of funeral establishments;
- Educational and examination requirements should be those for a funeral director only, not an embalmer;
- A leader of the Muslim community must be appointed to the Regulatory Advisory Panel to ensure the intent of the legislation is fulfilled; and
- Opposition to restrictions on the funeral director license that amount to restraint of trade.

Muslims of Northern Virginia are tracking the progress the board will be making on this important matter, and we sincerely hope that there is separation of funeral director licenses from embalmer licenses.

Sincerely,

  
Dr. M. Farooq, President, ICNVT  
Islamic Center/Northern Virginia Trust (ICNVT)  
4420 Shirley Gate Road  
Fairfax, VA 22030



Dr. David E. Brown  
Executive Director  
Virginia Department of Health Professions  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463

Corie E. Tillman Wolf  
Executive Director  
Virginia Board of Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463

July 13, 2020

Dear Dr. Brown and Ms. Tillman Wolf,

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- Opposition to restrictions on the funeral director license that amount to restraint of trade.

Muslims of Northern Virginia are tracking the progress the board will be making on this important matter, and we sincerely hope that there is separation of funeral director licenses from embalmer licenses.

Sincerely,

**Allison Carpenter**  
Chair, Interfaith Programs Committee  
Secretary, Board of Directors  
McLean Islamic Center  
8800 Jarrett Valley Drive  
Vienna, Virginia 22182  
[secretary@mcleanmuslims.org](mailto:secretary@mcleanmuslims.org)

cc: Senator Jeremy McPike  
P.O. Box 2819  
Woodbridge, VA 22195

## FUNERAL CONSUMERS ALLIANCE

A nonprofit protecting your right to choose a meaningful, dignified, and affordable funeral

33 Patchen Road, South Burlington, VT 05403 ~ 802-865-8300 ~ [funerals.org](http://funerals.org)

June 3, 2020

David E. Brown, D.C.  
Director, Virginia Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

*sent by email: [david.brown@dhp.virginia.gov](mailto:david.brown@dhp.virginia.gov)*

### **re: new licensing regulations for funeral directors pursuant to SB 1044**

Dear Dr. Brown,

I write you as the executive director of Funeral Consumers Alliance. We are a nonprofit, 501(c)(3) educational charity. Our mission is to educate the public about funeral options with an eye to free choice and affordability. We also advocate for sensible regulations that protect grieving consumers.

Sometimes we are also obliged to object to regulations that purport to protect the public, but that are merely anti-competitive. We are concerned that such a regulatory effort may be underway in Virginia. As you know, SB 1044 was signed by the Governor this year. The bill authorizes the Board of Funeral Directors and Embalmers to issue separate licenses for funeral directors, embalmers, and practitioners of “funeral services.”

We understand the purpose of this bill is to allow funeral directors who are *not* also embalmers, and who have *not* earned a full mortuary college degree (which includes a heavy emphasis on embalming training) to offer funeral services for sale in Virginia, and to manage or direct a funeral service establishment.

Funeral Consumers Alliance supports these new categories of licensure. Current Virginia regulations require funeral licensees to be trained embalmers as well. This is unnecessary. It has closed down competition in the sector by filtering out candidates who have not paid for a full mortuary school education, and who do not wish to practice embalming.

Not only does this narrow employment opportunities without providing a corresponding consumer protection, it also sustains the higher prices preferred by some traditional practitioners.

We are aware that the Virginia Funeral Directors Association opposed SB 1044. This is not surprising; most trade agencies seek to preserve a favorable status quo. But we are concerned that trade groups will attempt to thwart the legislative intent behind SB 1044

by pushing for regulations that render it inoperative.

When competition is restricted, when states require that all funeral directors also hold degrees that include embalming, the effects on grieving families include:

- Higher prices—Embalming is not necessary unless the consumer chooses it. Virginia law allows for refrigeration in lieu of embalming when disposition does not occur within 48 hours. Requiring a fully trained embalmer to direct and manage a funeral service establishment provides no benefit to consumers. But it does raise the salary requirements, which raises the retail price.
- Fewer options for simple and affordable dispositions—Graduates from mortuary colleges, with their heavy emphasis on embalming, tend to perpetuate the values of that education in the kinds of businesses they open and operate. America’s mortuary colleges are still, in 2021, teaching misinformation, such as the incorrect notion that embalming “protects public health”, and that it is necessary for appropriate grieving.

No state in the US needs to encourage more embalming-centric funeral businesses. The market, not state laws or regulations, should shape the field of offerings. Traditionally-focused full-service funeral homes have dominated the sector since the beginning of the funeral home industry in the late 19<sup>th</sup> century. As the cremation rate has passed 50 percent nationally, consumers are increasingly turning to lower-cost, simpler arrangements that do not necessarily include embalming. States should create regulatory structures that allow for such market-driven expansion, instead of regimes that hobble it.

The efficiencies and consumer cost-savings that can be realized by direct, simple disposition businesses are constrained by requirements to employ a mortuary school graduate and practicing embalmer for job duties that do not require these skills and the salaries they command. It is no more necessary for the managing director of a funeral home or direct cremation business to be an embalmer than it is necessary for the owner or manager of a car dealership to be a certified mechanic.

We ask the Department of Health Professions to ensure that industry trade groups do not thwart the goals of SB 1044. Specifically, we believe regulations must:

- Allow a funeral director-only licensee to perform all necessary duties with the exception of embalming. Funeral director-only licensees must be allowed to meet with families, plan arrangements at-need or pre-need, and to discuss prices and service options with families, including discussions of embalming.
- Allow a funeral director-only licensee to act as the managing director of a funeral establishment.

- Allow for an embalmer-only license category. Just as there are funeral directors who are not embalmers, there are embalmers who prefer to practice their technical skills, and who do not wish to be “front of the house” staff.

Virginia has an opportunity to modernize its funeral service license regime to allow the market to open up choices for grieving families while encouraging competition. The increasing number of families who choose simpler services without embalming is not going to reverse itself. Indeed, the current pandemic has accelerated it. But the trend was already there and clear to those who listen to the expressed needs—affordability especially—of American families dealing with a death.

Sincerely,



Joshua L. Slocum  
Executive Director

cc: Corie E. Tillman Wolf, J.D., Executive Director, Virginia Board of Funeral Directors and Embalmers, [Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)



----- Forwarded message -----

From: **Chavela Painter** <[chavela\\*\\*\\*@aol.com](mailto:chavela***@aol.com)>

Date: Thu, Aug 13, 2020 at 6:25 AM

Subject: Public Comment

To: <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

Good morning,

Below you will find suggested qualifications for a Funeral Director's License. Thank you allowing comments.

Sincerely,

Chavela' D. Painter

Funeral Service Licensee

O. H. Smith & Son Funeral Home

Newport News, VA

(757) 380-8871

### **Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

### **Restrictions–**

Not eligible to be Manager of Record (for those licensed after January 14, 2021) \*Please note that current licensed Funeral Directors who are already serving as Manager of Record would be “grandfathered” so that new restriction would not affect them.

----- Forwarded message -----

From: **Armeke Smith** <[arm\\*\\*\\*@aol.com](mailto:arm***@aol.com)>  
Date: Thu, Aug 13, 2020 at 8:00 AM Subject:  
Public Comment  
To: <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

Hello,  
Below are suggested qualifications for the Funeral Director's License.

Thank you,  
Armeke D. Smith  
Funeral Service Licensee  
O. H. Smith & Son Funeral Home  
Newport News, VA  
(757) 380-8871

**Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

**Restrictions –**

Not eligible to be Manager of Record (for those licensed after approval of qualifications).

Sent from my iPhone

----- Forwarded message -----

From: **Donita Greene** <[donita\\*\\*\\*@verizon.net](mailto:donita***@verizon.net)>

Date: Thu, Aug 13, 2020 at 8:22 AM

Subject: FD License

To: <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

Cc: Barry Robinson <[MrBarryDe@aol.com](mailto:MrBarryDe@aol.com)>

I believe, at a minimum, these are the requirements needed for the FD license:

1. Minimum age of 18;
2. Had not been convicted of any violent crimes, federal crimes or any crimes of moral turpitude;
3. Is a person of good and moral character;
4. Has attained legally a high school diploma or his/her GED;
5. Has successfully completed, and attained a degree in a Mortuary Science Program accredited by the American Board of Funeral Service Education and the Virginia State Board;
6. Has satisfactorily completed, in Virginia, 2000 hours of supervised internship, completing a minimum of 25 funerals, and 25 arrangements
7. Successfully passes the Arts Section of the National Board Exam;
8. Successfully passes the VA State Board exam, including the few science related questions therein. (The candidate would have had the science classes, minus embalming, in their Mortuary Science curriculum.);
9. Pay all required fees; and
10. Be required to complete the State requirements for annual CEUs.

**RESTRICTIONS:**

1. The individual with this license cannot be the manager of record for the funeral home if licensed after January 14, 2021, and
2. This license is only valid for practice in the State of Virginia and cannot be transferred for use in any other State in the USA, including any other state that may also now, or in the future, create a Funeral Director license.

Thank you for your attention.

Sent from my iPhone - Donita Greene

----- Forwarded message -----

From: <[cooperandhum\\*\\*\\*\\*@verizon.net](mailto:cooperandhum****@verizon.net)>

Date: Thu, Aug 13, 2020 at 8:42 AM

Subject: Public comment (Funeral Director's License)

To: <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

### **Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

### **Restrictions –**

Not eligible to be Manager of Record (for those licensed after January 14, 2021)

Sent from AOL Mobile Mail

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----- Forwarded message -----

From: **Fisher Watkins** <[fisherwatkins\\*\\*\\*\\*\\*@yahoo.com](mailto:fisherwatkins*****@yahoo.com)>

Date: Thu, Aug 13, 2020 at 10:14 AM

Subject: Qualifications for Funeral Director License

To: <[corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov)>, <[sandrahairston\\*\\*\\*@yahoo.com](mailto:sandrahairston***@yahoo.com)>

Qualifications for Funeral Directors License

1. At least 18 years of age
2. One of good moral and character
3. Has not been convicted of any violent crimes/found guilty of a federal crime or moral turpitude
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the State Board
6. Has satisfactorily completed 2000 hours of supervised internship/participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the State examination to include some Sciences in Funeral Service
9. Pay the required fees

RESTRICTIONS

Not eligible to be a Manager of Record (for those licensed after January 14, 2021)

----- Forwarded message -----

From: **sandrahairston\*\*\*** <[sandrahairston\\*\\*\\*@yahoo.com](mailto:sandrahairston***@yahoo.com)>

Date: Thu, Aug 13, 2020 at 10:18 AM

Subject:

To: <[corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov)>

Sent from my Samsung Galaxy , an AT&T LTE smartphone

### **Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

### **Restrictions –**

Not eligible to be Manager of Record (for those licensed after January 14, 2021)

----- Forwarded message -----

From: **Wendal Givens** <[givens\\*\\*\\*@gmail.com](mailto:givens***@gmail.com)>

Date: Thu, Aug 13, 2020 at 9:56 AM

Subject: Comments for board

To: [Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov) <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

### **Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

### **Restrictions –**

Not eligible to be Manager of Record (for those licensed after January 14, 2021)

----- Forwarded message -----

From: [ivorymaya\\*\\*@yahoo.com](mailto:ivorymaya**@yahoo.com) <[ivorymaya\\*\\*@yahoo.com](mailto:ivorymaya**@yahoo.com)>

Date: Thu, Aug 13, 2020 at 11:00 AM

Subject: Fw: Public Comment for SB 1044 RAP of August 14, 2020

To: [Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov) <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

### **Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

### **Restrictions –**

Not eligible to be Manager of Record (for those licensed after January 14, 2021)



----- Forwarded message -----

From: **Rhonda Pleasants** <[rkpleasant\\*\\*@gmail.com](mailto:rkpleasant**@gmail.com)>

Date: Thu, Aug 13, 2020 at 11:05 AM

Subject: Recommended Qualifications For Funeral Director Only License

To: <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

**Dear Ms. Wolf,**

I support the split license with the following recommended qualifications:

**Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the Virginia State Board of Funeral Directors and Embalmers
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam ARTS Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

**Restrictions –**

Not eligible to be Manager of Record (for those licensed after January 14, 2021)

Thank you for your kind consideration,

**Rhonda Keyes Pleasants, CFSP, CCO**

**Manager, Henry W. Dabney Funeral Home, Inc.**

**Past President, Virginia Morticians Association, Inc.**

**Retired Department Chair, John Tyler Community College Funeral Services Program**

----- Forwarded message -----

From: <[msme\\*\\*\\*@msn.com](mailto:msme***@msn.com)> Date: Thu, Aug 13, 2020 at 12:17 PM

Subject: PUBLIC COMMENT-SB 1044

To: [Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov) <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

As a Funeral Service Licensee for the Commonwealth of Virginia, I support the following qualifications for licensure of a Funeral Director under the regulations of SB 1044:

**Qualifications for Funeral Director License**

1. At least eighteen years of age;
2. One of good moral and character
3. Has not been convicted of any violent crimes or found guilty of a federal or crime of moral turpitude;
4. Has high school education or GED
5. Has successfully completed a degree program at an approved Mortuary School accredited by the American Board of Funeral Service Education and the state board
6. Has satisfactorily completed 2000 hours of supervised internship participating in 25 arrangements and 25 funerals
7. Passed the National Board Exam Art Section
8. Passed the state examination to include some Sciences in Funeral Service
9. Pay the required fees

**Restrictions**

- Not eligible to be Manager of Record (for those licensed after January 14, 2021)

Mary E. Johnson Fields

----- Forwarded message -----

From: **Suja S. Amir** <[suja\\*\\*\\*\\*\\*@gmail.com](mailto:suja*****@gmail.com)>

Date: Thu, Aug 13, 2020 at 4:54 PM

Subject: SB1044

To: <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

I support the creation of a separate Funeral Director's license and am in favor of the adoption SB-1044.  
Thank your or your time.

**Suja S. Amir, MPA**

*" You learn a lot about someone when you share a meal together." Anthony Bourdain*

✉ [suja\\*\\*\\*\\*\\*@gmail.com](mailto:suja*****@gmail.com)

**Virginia Board of Funeral Directors and Embalmers  
Regulatory Advisory Panel – Licensure of Funeral Directors and Embalmers (SB 1044)**

**First Meeting – Possible Recommendations for Further Discussion**

License Type	Area	Possible Recommendations	Notes
Funeral Director	Education	<ol style="list-style-type: none"> <li>1. Associates degree from a program of mortuary science or funeral service accredited by the ABFSE, OR Board-approved program</li> <li>2. Coursework in areas such as safe handling of remains, anatomy, physiology, pathology</li> <li>3. Successful completion of coursework (grade of C or better) in lieu of examination related to sciences</li> </ol>	
	Examination	<ol style="list-style-type: none"> <li>1. Passage of National Board Exam - Arts (ABFSE accredited grad) or State Board Exam – Arts (non-ABFSE accredited grad)</li> <li>2. Passage of state laws, rules, and regulations (LRR) examination</li> </ol>	In lieu of science-based exam at state-level, successful completion of coursework; Board review of state LRR to ensure global application of questions
	Experience	<ol style="list-style-type: none"> <li>1. 2,000 hours of internship completed in no less than 12 months</li> <li>2. Assist with 25 funerals and 25 arrangement conferences</li> </ol>	
Embalmer	Education	Associates degree from a program of mortuary science or funeral service accredited by the ABFSE, <i>OR Board-approved program</i>	Additional information to be provided regarding possible Embalming-only curriculum
	Examination	<ol style="list-style-type: none"> <li>1. Passage of National Board Exam – Sciences (ABFSE accredited grad) or State Board Exam – Sciences (non-ABFSE accredited grad)</li> <li>2. Passage of state laws, rules, and regulations (LRR) examination</li> </ol>	Board review of state LRR to ensure global application of questions
	Experience	<ol style="list-style-type: none"> <li>1. 2,000 hours of internship completed in no less than 12 months</li> <li>2. Assist with 25 embalmings</li> </ol>	

**September 1, 2020**

The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a Regulatory Advisory Panel meeting on Tuesday, September 1, 2020, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

**PANEL MEMBERS PRESENT:**

Mia Mimms, FSL, JD, Board President, Panel Chair (On-Site)  
R. Thomas Slusser, Jr., FSL, Board Vice-President (Virtual)  
Kenneth Scott Hickey, M.D., Board Secretary Treasurer, Citizen Member (Virtual)  
Joseph Frank Walton, FSL, Board Member/Educator (Virtual)  
Paul Harris, Regulatory Support Services, Inc. (Virtual)  
Barry Robinson, FSL, Virginia Mortician's Association (Virtual)\*  
Laurence Spiaggi, FSL, Virginia Funeral Directors' Association (Virtual)\*  
John Paul Welch, FSL, Representative, Association of Independent Funeral Homes of Virginia (Virtual)

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

Erin Barrett, Assistant Attorney General, Board Counsel (Virtual)  
David Brown, DC, DHP Director (Virtual)  
Sarah Georgen, Licensing and Operations Manager (On-Site)  
Kelley Palmatier, Deputy Executive Director (Virtual)  
Corie Tillman Wolf, Executive Director (On-Site)  
Heather Wright, Board Program Manager (On-Site)  
Elaine Yeatts, Senior Policy Analyst (Virtual)

**OTHER GUESTS PRESENT (VIRTUAL)**

Raf Uddin Ahmed, Muslim Association of Virginia  
Suja Amir  
Angela Bezik, Virginia Funeral Directors' Association  
Chuck Duvall  
Sarah Gill, The International Conference of Funeral Service Examining Boards  
Muhammad Hanif, Citizen Member  
Scott Johnson  
Bo Keeney, Association of Independent Funeral Homes of Virginia  
Bruce Keeney, Association of Independent Funeral Homes of Virginia  
Hon. Jeremy McPike, Senate of Virginia  
Blair Nelsen, FSL, Board Member  
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge  
Samuel Rhue, Sr., FSL  
Amir Saeed  
Sidra (Last Name Unknown)

Lauren Thomas, The International Conference of Funeral Service Examining Boards  
Ben Traynham  
Lacy Whitaker, Virginia Funeral Directors' Association  
Joseph Michael Williams, FSL, Board Member\*  
Unknown Call-in User 7 (804-240-\*\*\*\*)  
Unknown Call-in User 8 (804-274-\*\*\*\*)

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

## **CALL TO ORDER**

Ms. Mimms called the meeting to order at 9:34 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Ms. Mimms provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Ms. Mimms provided reminders to the Board and public regarding WebEx functions. She completed a roll call of the panel members and staff.

Ms. Mimms read the mission of the Board, which is also the mission of the Department of Health Professions.

## **ORDERING OF THE AGENDA**

Ms. Mimms requested proposed changes to the ordering of the agenda. Hearing none, she proceeded with the meeting.

## **APPROVAL OF MINUTES**

Ms. Mimms requested if any panel members had any amendments or proposed changes to the draft August 14, 2020 Regulatory Advisory Panel meeting minutes for consideration by the full Board. Hearing none, she proceeded with the meeting.

## **PUBLIC COMMENT**

Ms. Mimms stated that written public comment had been received from the following individuals:

1. Bruce B. Keeney, Sr., Legislative Counsel, Independent Funeral Homes of Virginia
2. Raziuddin Ali
3. Amal Damaj
4. Halimah Abdul-Mateen

5. Nebeela Perwez
6. Sidra Butt, DDS
7. Agha Haider
8. Sara Jamal
9. Suja S. Amir
10. Nancy Wein
11. Iram Amir
12. Anita Elock
13. Senator Jeremy McPike

Ms. Tillman Wolf stated that one additional written public comment from Rabbi Yossell Kranz was received after the deadline and read the comment submitted.

Ms. Mimms stated that the written public comments received by the deadline had been distributed to the panel members prior to the meeting and would be included in the meeting minutes (Attachment A).

Ms. Mimms stated that the panel had received one request for oral public comment from Samuel Rhue, John Tyler Community College.

Mr. Rhue provided comment to the panel. (Attachment B)

## **CHARGE OF THE RAP**

Ms. Mimms stated that the Regulatory Advisory Panel (RAP) was convened pursuant to 18VAC65-11-70 of the Board's Regulations related to Public Participation. Ms. Mimms stated that this RAP was convened for the purposes set forth in regulation - to convene stakeholders and other individuals interested in this issue to provide input and technical assistance to the Board regarding the Board's adoption of regulations for the licensure of funeral directors and embalmers as separate license types.

Ms. Mimms stated that the intent of the meeting was to build on discussion from the first meeting, with the goal of finalizing a set of recommendations and draft regulatory language for the full Board's consideration.

Ms. Mimms asked the panel members to continue to consider the following questions during the meeting:

- What requirements for education for a funeral director or for an embalmer will ensure safety and competence to practice in these respective areas?
- What requirements for examination for a funeral director or for an embalmer will demonstrate entry-level safety and competence to practice in these respective areas?
- What should a required internship experience look like for a funeral director? For an embalmer?

Ms. Mimms stated that in addition to the examples for education, examination, and experience, there may be other regulatory areas that require discussion and recommendation, such as possible concerns about scope of practice within the context of unprofessional conduct for purposes of Board disciplinary action, and if there were any clarifying edits needed in the current regulations to address all three license types.

## PANEL DISCUSSION

*Review of August 14, 2020 RAP Meeting – Possible Recommendations and Draft Regulatory Language – Corie Tillman Wolf, JD, Executive Director*

Ms. Tillman Wolf provided a summary of the first RAP meeting with a recap of the first set of possible recommendations formulated by the panel, as well as an overview of what proposed language has been inserted into the draft of regulations for consideration by the panel.

*Panel Discussion of Recommendations to the Full Board Meeting – Mia Mimms, Panel Chair*

*Funeral Director – Education, Examination, Experience*

The panel discussed the draft regulation language and possible education requirements for a funeral director license by examination. The panel discussed the requirement for an associates' degree or its equivalent, whether from a program of mortuary science of funeral service accredited by the ABFSE or from a funeral director program approved by the Board. The panel discussed a proposed requirement for successful completion of coursework in anatomy and pathology in lieu of any science-based examination. An applicant would not be required to complete embalming coursework or labs to be eligible for licensure.

Panel members discussed possible examination requirements for funeral director applicants and the distinction between the National Board Exam (NBE) and State Board Exam (SBE). Panel members discussed a recommendation for the passage of the Arts section of either exam, as well as the successful passage of the state laws, rules and regulations (LRR) examination.

The panel discussed the recommended experience requirements including the completion of a 2,000-hour internship in no less than 12 months, with 25 funerals and 25 arrangement conferences.

## BREAK

The Panel took a break at 11:01 a.m. The Panel reconvened at 11:13 a.m.

*Embalmer – Education, Examination, Experience*

The panel discussed the draft regulation language and educational requirements for an embalmer including an associate's degree from a program of mortuary science or funeral service accredited by the ABFSE or Board-approved program.

The panel discussed the examination requirements for an embalmer including the passage of a National Board Exam – Sciences (ABFSE accredited grad) or State Board Exam – Sciences (non-ABFSE accredited grad) and the passage of state laws, rules, and regulations (LRR) examination.

The panel discussed the experience requirements for an embalmer including 2,000 hours of internship complete in no less than 12 months and assisting with a minimum of 25 embalmings.

*Discipline*



The panel discussed draft language in the discipline provisions of the draft regulations, which includes reference to the funeral directing and embalming, as well as a provision related to scope of practice.

Ms. Tillman Wolf provided a summary of the recommendations and regulatory language discussed by the panel (Attachment C).

Upon a **MOTION** by Mr. Spiaggi and properly seconded by Mr. Robinson, the panel approved the draft regulation language as discussed and amended which will be forwarded to the full Board for consideration. The motion passed unanimously.

**WRAP UP AND NEXT STEPS – Mia Mimms, Panel Chair**

Ms. Mimms announced the next steps, including compiling a final set of recommendations and draft regulations for consideration by the full Board at its business meeting on October 6, 2020.

Ms. Mimms stated that in order to meet the timeframe established by Senate Bill 1044 to have emergency regulations in place by January 14, 2021, the Board will look to adopt emergency regulations and a NOIRA.

Ms. Mimms stated that the regulatory process will involve additional comment periods and stated that interested parties should refer to the Town Hall website for up-to-date information on the status of regulations, as well as access to public comment forums.

**CONTINUING EDUCATION CREDIT:**

Ms. Mimms provided the steps necessary for participants to be awarded continuing education for attendance of the meeting pursuant to 18 VAC 65-20-151. She announced that continuing education would be awarded to those participants who provided the required information to the Board’s e-mail box by September 8, 2020.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:45 a.m.

\_\_\_\_\_  
Mia Mimms, FSL, JD, Panel Chair

\_\_\_\_\_  
Corie Tillman Wolf, J.D., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

----- Forwarded message -----

From: IFHV <[ifhvoffice@gmail.com](mailto:ifhvoffice@gmail.com)>

Date: Sun, Aug 30, 2020 at 5:07 PM

Subject: Comments for consideration by Regulatory Advisory Panel and Board of Funeral Directors & Embalmers related to implementation of SB 1044

To: Tillman Wolf, Corie (DHP) <[Corie.Wolf@dhp.virginia.gov](mailto:Corie.Wolf@dhp.virginia.gov)>

Cc: <[elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov)>, Paul Welch <[paulwelch2@va.metrocast.net](mailto:paulwelch2@va.metrocast.net)>, Bruce Keeney <[KeeneyGroup@gmail.com](mailto:KeeneyGroup@gmail.com)>

These comments are submitted on behalf of the Association of Independent Funeral Homes of Virginia (IFHV) and specifically the numerous members who participated in developing recommendations on the regulatory process related to SB 1044 of the Virginia General Assembly. Specifically, we would like to comment on a suggestion and a “licensed funeral director” (those licensed after January 1, 2020) NOT be permitted to serve as a “Manager of Record.” Your distributing these to the RAP members would be appreciated.

The Code of Virginia (54.1-2800 Definitions) states: (emphasis added)

1. "Funeral director" means any person *engaged in the practice of funeral directing*.
2. "*Funeral directing*" means the for-profit profession of directing or supervising funerals, preparing human dead for burial *by means other than embalming*, or making arrangements for funeral services or the financing of funeral services.
3. While the Code of Virginia does not appear to define a “*Manager of Record*” that term is defined in the Board’s regulations as “a funeral service licensee or funeral director who provides “direct supervision and management of a funeral service establishment or branch facility.”

We note that at present, the few licensed funeral directors have been trained in performing embalming. These few licensed funeral directors have the training and experience to serve as a Manager of Record since they have the training and knowledge to provide the proper supervision and management of funeral homes and branch establishments. It is the Manager of Record who oversees that delivery of all services is proper and in compliance with laws to protect the health, safety, and welfare of the public. How can a “Funeral Director”, with limited (and no hands on) knowledge of embalming, be expected to properly *supervise and manage that aspect of the funeral home’s services*.

We have two suggestions to address this concern, noting #1 is preferred as it is less confusing. Both #1 and #2 will help clarify that a Funeral Director has limited and no hands on knowledge of embalming. Both will address the concerns of those of the Moslem faith.

1. In the new regulations, state that **a licensed funeral director, licensed after (a specific date when the regulations go into effect) may not serve as a Manager of Record**. This would grandfather the few current Funeral Directors and allow them to continue as a Manager of Record due to their full level of training and experience.

OR

2. In the new regulations, state that **a licensed funeral director licensed after (a specific date when the regulations go into effect) may serve as a Manager of Record ONLY at funeral establishments or branch facilities where embalming services are NOT provided.** This approach would clearly allow those of the Moslem faith to serve as a Manager or Record since their faith prohibits providing embalming services. Likewise, due to insufficient level of training on embalming, a licensed funeral director would NOT be allowed to be the Manager of Record at funeral establishments or branch facilities were available.

Especially with concerns related to infectious disease and hazardous waste, it is most important that those who “direct and supervise” funeral homes (the Manager of Record) be thoroughly trained and experienced in embalming services. This is particularly true in that the level of education to be required of a Funeral Director as related to embalming has yet to be determined. Nor is there a history as to whether those requirements will be insufficient or not.

Your consideration of these recommendations will be appreciated.

Bruce B. Keeney, Sr.

Executive Director & Legislative Counsel  
Association of Independent Funeral Homes of Virginia  
4461 Cox Road  
Suite 110  
Glen Allen, VA 23060  
(804) 643-0312 phone  
(804) 643-0311 fax  
[ifhvoffice@gmail.com](mailto:ifhvoffice@gmail.com)  
[www.ifhv.org](http://www.ifhv.org)

On Mon, Aug 31, 2020 at 10:54 AM <[raziiali\\*\\*\\*@gmail.com](mailto:raziiali***@gmail.com)> wrote:

As a member of the Muslim community, I am concerned that the comments given by the the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.

Raziuddin Ali  
Midlothian  
23113

On Mon, Aug 31, 2020 at 11:11 AM ammoulette1 <[ammou\\*\\*\\*\\*\\*@gmail.com](mailto:ammou*****@gmail.com)>  
wrote:

Greetings, Director Wolf and Senator McPike.

As a member of the Muslim community, I am concerned that the comments given by the the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community as to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.

Amal Damaj  
North Chesterfield, VA 23236

On Mon, Aug 31, 2020 at 11:12 AM Halimah Abdul-Mateen <[ummi\\*\\*\\*\\*@aol.com](mailto:ummi****@aol.com)> wrote:

Dear Official,

As a member of the Muslim community, I am concerned that the comments given by the the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions. The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

2) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.

Halimah Abdul-Mateen  
Richmond, VA

On Mon, Aug 31, 2020 at 11:16 AM Nabeela Perwez <[nabe\\*\\*\\*\\*@gmail.com](mailto:nabe****@gmail.com)> wrote:

Dear Respected Leaders,

As a member of the Muslim community, I am concerned that the comments given by the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety, and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally, I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.



Nabeela Perwez

Glen Allen 23059

On Mon, Aug 31, 2020 at 11:22 AM Sidra Butt <[si\\*\\*\\*\\*@gmail.com](mailto:si****@gmail.com)> wrote:

It has come to my attention that under the guise of regulations, safety, and other reasons, the IFHV is requiring competency in embalming. This comes across as islamophobic and antisemitic since anyone who is in the business of funeral services should be well versed and educated in what different faiths require and do not require and what is scientifically safe or not. It is a well known fact that embalming has never been a part of a regular funeral but truly just a money making scheme since the only thing that is needed is refrigeration of the body. Without embalming the body goes through the natural process of decomposition unlike being mummified or just for cosmetic reasons.

As a member of the Muslim community, I am concerned that the comments given by the the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you,  
Sidra Butt DDS.



On Mon, Aug 31, 2020 at 11:29 AM Agha W. Haider <[w\\*\\*\\*\\*@yahoo.com](mailto:w****@yahoo.com)> wrote:

As a member of the community, I am concerned that the comments given by the the Association of Independent Funeral Homes (IFHV) is prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your attention to this important matter.

Agha W. Haider

Midlothian, Va 23113

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On Mon, Aug 31, 2020 at 12:00 PM Sara Jamal <[sj\\*\\*\\*@hotmail.com](mailto:sj***@hotmail.com)> wrote:

I would like to emphasize on the importance of having a licensed individual familiar with the funeral rites for the Muslim community. I'm happy to see the initiative with this regard. Thank you for your attention to this matter.

Sara Jamal  
Glen Allen, Va

On Mon, Aug 31, 2020 at 11:31 AM Suja S. Amir <[suja\\*\\*\\*\\*\\*@gmail.com](mailto:suja*****@gmail.com)> wrote:

Dear Ms. Wolf,

SB1044 sought to address the concern that current prerequisites for applicants as a funeral service licensee required demonstrating competency in embalming. Embalming is against Islamic burial rites. The current licensing structure is prohibitive and inequitable to the Muslim community by depriving their community of having a member of their faith, fulfill their rites and traditions. I attended the last meeting.

However, the recommendation by the IFHV is of deep concern and seems to disregard the concerns of the Muslim community and make SB1044 null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions. I am not sure where that was referenced in the presentation made by Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) .

2) According to the IFHV recommendations, the funeral director is prohibited from handling the body. Islamic rites, as described by Imam Ammar, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was because of opposition to standards of care, safety and competence.

4) Manager of Record (MOR) - the recommendation requiring that the MOR be licensed to provide "any and all services", discriminates against the Muslim community. If this recommendation is accepted, by default, a Muslim will not be able to become the MOR without embalming obtaining training. And therefore, the implication is that only someone who is NOT Muslim will only be allowed to be a MOR. Additionally, implicating that the Muslim community needs oversight by a non-Muslim in order to ensure standards.

5) The Regulatory Advisory Committee -- there seems to be a conflict of interest of the members of the RAP given that the many of the members of the RAP have affiliations with IFHV.

This voids the independent intent of the committee as undue influence can create barriers and may not be able to contribute to balancing the interests of the varied stakeholders equitably.

I support the full intent of Senator McPike's legislation. Grieving families, from all beliefs should be able to have access, availability to funeral services in accordance with their rites. Additionally, a competitive workforce is very important, and I support a competition in this area.

Thank you for your time.

**Suja S. Amir, MPA**

*" You learn a lot about someone when you share a meal together." Anthony Bourdain*

On Mon, Aug 31, 2020 at 12:46 PM Nancy Wein <[wein\\*\\*\\*\\*\\*@gmail.com](mailto:wein*****@gmail.com)> wrote:

Dear Ms. Wolf:

I am writing in support of Senator Jeremy McPike's bill, SB1044.

I am concerned that the comments given by the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPike's bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.

Nancy Wein

North Chesterfield, VA 23236

On Mon, Aug 31, 2020 at 1:32 PM Iram Amir <[iram\\*\\*\\*\\*\\*@gmail.com](mailto:iram*****@gmail.com)> wrote:

As a member of the Muslim community, I am concerned that the comments given by the Association of Independent Funeral Homes (IFHV) are discriminatory, prohibitive against the Muslim community, and seeks to make the intention of Senator McPike's bill SB104, null and void.

1) It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage, and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2) The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3) There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety, and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance with their religious requirements, additionally, I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.

Signed  
Iram Amir  
Glen Allen 23060

On Mon, Aug 31, 2020 at 1:36 PM Anita <[anitaelcock@almdinarichmond.org](mailto:anitaelcock@almdinarichmond.org)> wrote:

Good afternoon,

As a member of the Muslim community, I am concerned that the comments given by the the Association of Independent Funeral Homes (IFHV) is discriminatory, prohibitive against the Muslim community and seeks to make the intention of Senator McPikes bill SB104, null and void.

1)It seems that IFHV believes that the objection the Muslim community has to the current structure is due to "fees or payments received for transportation, storage and burial of remains", disregarding the reasoning stemmed from Islamic faith traditions.

2)The funeral director is prohibited from handling the body. Islamic rites, as described by the Imam Ammar Ammonette of the Islamic Center of Virginia (ICVA) at last month's board meeting, clearly indicated that there is a ritual washing of the body. It also involves covering the body with traditional shrouds after the washing.

3)There is an implication that the request by the Muslim community is also a way to bypass safe and competent care. This is highly disturbing as it is fueling disrespectful and seemingly discriminatory assumptions about the Islamic faith. Imam Ammar made no indication of the Islamic traditions or that the need to create a separate licensing was due to being against standards of care, safety and competence.

I support the full intent of Senator McPike's bill which sought to help provide a way for residents of Virginia from the Muslim community the ability to provide funeral services in accordance to their religious requirements, additionally I support any system that allows for choice, competition in the marketplace. Senator McPike's focus on assisting grieving families in SB1044 is appreciated and has impressed his constituents and those outside his district.

Thank you for your time.

Signed,

Anita Elcock

Henrico, Virginia 23227

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----- Forwarded message -----

From: **senate district29** <[district29@senate.virginia.gov](mailto:district29@senate.virginia.gov)>

Date: Mon, Aug 31, 2020 at 9:53 AM

Subject: Concerns regarding draft - SB1044 - Funeral Directors

To: David Brown <[david.brown@dhp.virginia.gov](mailto:david.brown@dhp.virginia.gov)>

Cc: Atif Qarni <[atif.qarni@governor.virginia.gov](mailto:atif.qarni@governor.virginia.gov)>, Megan Healy <[megan.healy@governor.virginia.gov](mailto:megan.healy@governor.virginia.gov)>, Tillman Corie <[corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov)>

Dear Dr. Brown:

I have taken the opportunity to read through the draft regulations related to my SB1044 that I believe will be discussed at your RAP meeting on September 2<sup>nd</sup>. As always I appreciate the good work you all are doing and all the effort it takes to gain consensus. However, I am very concerned about the educational requirements as they are proposed in the draft as I believe if adopted, they would effectively make moot any other changes to the licensure process and gut the intent of the my legislation. The creation of an overly burdensome, non- relevant curriculum(ie, the American Board of Funeral Service Education curriculum requires embalming courses) that can possibly take years to be approved or implemented is exactly the outcome I wanted to avoid as it will be a large barrier that keeps quality Virginians out of the industry – an industry that I think we all agree is in need of some modest innovation to ensure a sustainable and vibrant workforce for the future. Let me be clear – reasonable and relevant educational requirements are vital as all families need to believe they are dealing with a competent and caring professional. However, if those requirements are unnecessary and keep good people from entering the profession, it is tantamount to restriction of trade if intended or not.

I look forward to reviewing the regulations once they are posted after the RAP meeting and having the opportunity to discuss them further with you at that time. Please let me know if I can be helpful in the meantime.

Jeremy McPike  
State Senator  
29th District

On Mon, Aug 31, 2020 at 5:48 PM Yossel Kranz <[ykranz@chabadofva.org](mailto:ykranz@chabadofva.org)> wrote:

Hi Corie,

I am writing to you regarding SB1044 on behalf of Jewish communities throughout the Commonwealth. It seems that the proposal as written conflicts with Jewish tradition, and would thereby discriminate against people of the Jewish faith?

Please advise.

Sincerely,



**Rabbi Yossel Kranz**

Chabad of Virginia

804.740.2000 ext. 3 |

[chabadofva.org](http://chabadofva.org)

[Donate](#) to The  of Jewish Richmond



John Tyler Community College

Per Senate Bill 1044 implementation date, John Tyler Community College estimates at a minimum program effective date of Fall 2021. The college will continue to work on moving the curriculum forward in a timely manner.

Samuel Rhue

Interim Program Director

**Virginia Board of Funeral Directors and Embalmers  
Regulatory Advisory Panel – Licensure of Funeral Directors and Embalmers (SB 1044)**

License Type	Area	Recommendations	Notes
<b>Funeral Director</b>	<b>Education</b>	Associates degree from a program of mortuary science or funeral service accredited by the ABFSE  <b>OR</b> have completed an associate degree or the equivalent of 60 credit hours of post-secondary coursework, including successful completion of coursework in the areas of pathology and anatomy, from a funeral directing program approved by the Board	
	<b>Examination</b>	1. Passage of National Board Exam - Arts (ABFSE accredited grad) or State Board Exam – Arts (non-ABFSE accredited grad)  2. Passage of state laws, rules, and regulations (LRR) examination	Board review of state LRR to ensure global application of questions
	<b>Experience</b>	1. 2,000 hours of internship completed in no less than 12 months  2. Assist with 25 funerals and 25 arrangement conferences	
<b>Embalmer</b>	<b>Education</b>	Associates degree from a program of mortuary science or funeral service accredited by the ABFSE or Board-approved program	
	<b>Examination</b>	1. Passage of National Board Exam – Sciences (ABFSE accredited grad) or State Board Exam – Sciences (non-ABFSE accredited grad)  2. Passage of state laws, rules, and regulations (LRR) examination	Board review of state LRR to ensure global application of questions
	<b>Experience</b>	1. 2,000 hours of internship completed in no less than 12 months  2. Assist with 25 embalmings	

Unapproved

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

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**July 14, 2020**

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

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**CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 1:30 p.m.

**MEMBERS PRESENT:** Louis Jones, FSL, Chair  
Blair Nelsen, FSL

**DHP STAFF PRESENT:** Kelley Palmatier, Deputy Executive Director  
Angela Pearson, Senior Discipline Manager  
Claire Foley, Administrative Proceedings Division

**MATTER:** **Krislyn R. Soto, FSL**  
**License #0502-901473**  
**Case Number: 190133**

**DISCUSSION:** Ms. Soto was contacted by telephone. A telephone conference was conducted by the Committee. Ms. Soto was not represented by counsel.

The Committee fully discussed the allegations as referenced in the January 8, 2020, Notice of Informal Conference with Ms. Soto.

**CLOSED SESSION:** Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Krislyn R. Soto, FSL. Additionally, he moved that Ms. Palmatier 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.

**DECISION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted and ordered a reprimand and a monetary penalty. The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 2:17 p.m.

\_\_\_\_\_  
Louis Jones, FSL Chair

\_\_\_\_\_  
Corie Tillman Wolf, JD, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



Unapproved

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

---

July 14, 2020

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

---

**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 2:22 p.m.

**MEMBERS PRESENT:**

Louis Jones, FSL, Chair  
Blair Nelsen, FSL

**DHP STAFF PRESENT:**

Kelley Palmatier, Deputy Executive Director  
Angela Pearson, Senior Discipline Manager  
Claire Foley, Administrative Proceedings Division

**MATTER:**

**Ashton Kendra Silva, Funeral Service Intern  
License #0505-009585  
Case Number: 198998**

**DISCUSSION:**

Ms. Silva appeared before the Committee in accordance with the Board's Notice of Informal Conference dated February 26, 2020 and she was not represented by counsel.

The Committee fully discussed the allegations as referenced in the February 26, 2020, Notice of Informal Conference, with Ms. Silva.

**CLOSED SESSION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ashton Kendra Silva, Funeral Service Intern. Additionally, he moved that Ms. Palmatier 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.

**DECISION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted and ordered that Ms. Silva enter the Health Practitioners' Monitoring Program within 30 days of the order. Ms. Silva's employer supervisor shall provide quarterly reports to the Board with the first report due no later than 60 days from the entry of the Order. The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 3:08 p.m.

\_\_\_\_\_  
Louis Jones, FSL Chair

\_\_\_\_\_  
Corie Tillman Wolf, JD, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# Executive Director's Report

Virginia Department of Health Professions  
Cash Balance  
As of June 30, 2020

**104- Funeral Directors  
and Embalmers**

<b>Board Cash Balance as June 30, 2019</b>	\$ 674,414
<b>YTD FY20 Revenue</b>	690,255
<b>Less: YTD FY20 Direct and Allocated Expenditures</b>	<u>607,446</u>
<b>Board Cash Balance as June 30, 2020</b>	<u><u>\$ 757,223</u></u>



Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2019 and Ending June 30, 2020

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
<b>4002400</b>	<b>Fee Revenue</b>				
4002401	Application Fee	49,925.00	34,845.00	(15,080.00)	143.28%
4002406	License & Renewal Fee	623,070.00	636,410.00	13,340.00	97.90%
4002407	Dup. License Certificate Fee	585.00	360.00	(225.00)	162.50%
4002409	Board Endorsement - Out	1,850.00	3,850.00	2,000.00	48.05%
4002421	Monetary Penalty & Late Fees	1,790.00	10,025.00	8,235.00	17.86%
4002430	Board Changes Fee	6,600.00	7,695.00	1,095.00	85.77%
4002432	Misc. Fee (Bad Check Fee)	35.00	35.00	-	100.00%
	<b>Total Fee Revenue</b>	<u>683,855.00</u>	<u>693,220.00</u>	<u>9,365.00</u>	<u>98.65%</u>
<b>4003000</b>	<b>Sales of Prop. &amp; Commodities</b>				
4003020	Misc. Sales-Dishonored Payments	300.00	-	(300.00)	0.00%
	<b>Total Sales of Prop. &amp; Commodities</b>	<u>300.00</u>	<u>-</u>	<u>(300.00)</u>	<u>0.00%</u>
<b>4009000</b>	<b>Other Revenue</b>				
4009060	Miscellaneous Revenue	6,100.00	3,300.00	(2,800.00)	184.85%
	<b>Total Other Revenue</b>	<u>6,100.00</u>	<u>3,300.00</u>	<u>(2,800.00)</u>	<u>184.85%</u>
	<b>Total Revenue</b>	<u>690,255.00</u>	<u>696,520.00</u>	<u>6,265.00</u>	<u>99.10%</u>
<b>5011110</b>	<b>Employer Retirement Contrib.</b>				
5011120	Fed Old-Age Ins- Sal St Emp	12,818.48	10,508.00	(2,310.48)	121.99%
5011120	Fed Old-Age Ins- Sal St Emp	6,870.19	6,569.00	(301.19)	104.59%
5011140	Group Insurance	1,253.35	1,019.00	(234.35)	123.00%
5011150	Medical/Hospitalization Ins.	27,536.96	24,315.00	(3,221.96)	113.25%
5011160	Retiree Medical/Hospitalizatn	1,119.66	910.00	(209.66)	123.04%
5011170	Long term Disability Ins	593.13	482.00	(111.13)	123.06%
	<b>Total Employee Benefits</b>	<u>50,191.77</u>	<u>43,803.00</u>	<u>(6,388.77)</u>	<u>114.59%</u>
<b>5011200</b>	<b>Salaries</b>				
5011230	Salaries, Classified	95,867.52	77,715.00	(18,152.52)	123.36%
	<b>Total Salaries</b>	<u>95,867.52</u>	<u>77,715.00</u>	<u>(18,152.52)</u>	<u>123.36%</u>
<b>5011300</b>	<b>Special Payments</b>				
5011340	Specified Per Diem Payment	1,200.00	3,000.00	1,800.00	40.00%
5011380	Deferred Compnstrn Match Pmts	429.00	720.00	291.00	59.58%
	<b>Total Special Payments</b>	<u>1,629.00</u>	<u>3,720.00</u>	<u>2,091.00</u>	<u>43.79%</u>
<b>5011400</b>	<b>Wages</b>				
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	<b>Total Wages</b>	<u>-</u>	<u>8,133.00</u>	<u>8,133.00</u>	<u>0.00%</u>
<b>5011600</b>	<b>Terminatn Personal Svce Costs</b>				
5011660	Defined Contribution Match - Hy	118.60	-	(118.60)	0.00%
	<b>Total Terminatn Personal Svce Costs</b>	<u>118.60</u>	<u>-</u>	<u>(118.60)</u>	<u>0.00%</u>
<b>5011930</b>	<b>Turnover/Vacancy Benefits</b>				
	<b>Total Personal Services</b>	<u>147,806.89</u>	<u>133,371.00</u>	<u>(14,435.89)</u>	<u>110.82%</u>
<b>5012000</b>	<b>Contractual Svcs</b>				
<b>5012100</b>	<b>Communication Services</b>				
5012110	Express Services	-	200.00	200.00	0.00%
5012120	Outbound Freight Services	49.63	-	(49.63)	0.00%

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2019 and Ending June 30, 2020

Account		Amount			
Number	Account Description	Amount	Budget	Under/(Over)	% of Budget
5012130	Messenger Services	26.01	-	(26.01)	0.00%
5012140	Postal Services	2,886.50	3,500.00	613.50	82.47%
5012150	Printing Services	32.88	1,500.00	1,467.12	2.19%
5012160	Telecommunications Svcs (VITA)	368.38	300.00	(68.38)	122.79%
5012190	Inbound Freight Services	16.40	-	(16.40)	0.00%
	<b>Total Communication Services</b>	<b>3,379.80</b>	<b>5,500.00</b>	<b>2,120.20</b>	<b>61.45%</b>
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	350.00	1,945.00	1,595.00	17.99%
5012270	Emp Trning- Trns, Ldngng & Meals	-	3,250.00	3,250.00	0.00%
	<b>Total Employee Development Services</b>	<b>600.00</b>	<b>6,995.00</b>	<b>6,395.00</b>	<b>8.58%</b>
5012400	Mgmnt and Informational Svcs	-			
5012410	Auditing Services	53.54	-	53.54	0.00%
5012420	Fiscal Services	11,740.38	9,520.00	(2,220.38)	123.32%
5012440	Management Services	202.49	120.00	(82.49)	168.74%
5012470	Legal Services	324.30	500.00	175.70	64.86%
	<b>Total Mgmnt and Informational Svcs</b>	<b>12,320.71</b>	<b>10,140.00</b>	<b>(2,073.63)</b>	<b>121.51%</b>
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	77.23	-	(77.23)	0.00%
5012530	Equipment Repair & Maint Srvc	1,023.28	640.00	(383.28)	159.89%
	<b>Total Repair and Maintenance Svcs</b>	<b>1,100.51</b>	<b>640.00</b>	<b>(460.51)</b>	<b>171.95%</b>
5012600	Support Services				
5012640	Food & Dietary Services	929.05	2,100.00	1,170.95	44.24%
5012660	Manual Labor Services	580.94	1,200.00	619.06	48.41%
5012670	Production Services	379.33	1,120.00	740.67	33.87%
5012680	Skilled Services	227.25	910.00	682.75	24.97%
	<b>Total Support Services</b>	<b>2,116.57</b>	<b>5,330.00</b>	<b>3,213.43</b>	<b>39.71%</b>
5012700	Technical Services				
5012760	C.Operating Svcs (By VITA)	242.45	-	(242.45)	0.00%
	<b>Total Technical Services</b>	<b>242.45</b>	<b>-</b>	<b>(242.45)</b>	<b>0.00%</b>
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	2,559.37	6,200.00	3,640.63	41.28%
5012830	Travel, Public Carriers	1,009.26	700.00	(309.26)	144.18%
5012850	Travel, Subsistence & Lodging	1,755.11	1,600.00	(155.11)	109.69%
5012880	Trvl, Meal Reimb- Not Rprtble	729.00	750.00	21.00	97.20%
	<b>Total Transportation Services</b>	<b>6,052.74</b>	<b>9,250.00</b>	<b>3,197.26</b>	<b>65.44%</b>
	<b>Total Contractual Svcs</b>	<b>25,812.78</b>	<b>37,855.00</b>	<b>12,149.30</b>	<b>68.19%</b>
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013110	Apparel Supplies	6.75	-	(6.75)	0.00%
5013120	Office Supplies	1,505.53	1,500.00	(5.53)	100.37%
5013130	Stationery and Forms	127.57	675.00	547.43	18.90%

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2019 and Ending June 30, 2020

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
	<b>Total Administrative Supplies</b>	1,639.85	2,175.00	535.15	75.40%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	<b>Total Manufctrng and Merch Supplies</b>	-	85.00	85.00	0.00%
5013400	Medical and Laboratory Supp.				
5013420	Medical and Dental Supplies	7.49	-	(7.49)	0.00%
	<b>Total Medical and Laboratory Supp.</b>	7.49	-	(7.49)	0.00%
5013500	Repair and Maint. Supplies				
5013520	Custodial Repair & Maint Matrl	28.97	-	(28.97)	0.00%
5013530	Electrcal Repair & Maint Matrl	1.38	-	(1.38)	0.00%
	<b>Total Repair and Maint. Supplies</b>	30.35	-	(30.35)	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	33.36	30.00	(3.36)	111.20%
5013630	Food Service Supplies	30.99	90.00	59.01	34.43%
5013640	Laundry and Linen Supplies	1.01	-	(1.01)	0.00%
5013650	Personal Care Supplies	26.86	-	(26.86)	0.00%
	<b>Total Residential Supplies</b>	92.22	120.00	27.78	76.85%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	14.28	15.00	0.72	95.20%
	<b>Total Specific Use Supplies</b>	14.28	15.00	0.72	95.20%
	<b>Total Supplies And Materials</b>	1,784.19	2,395.00	610.81	74.50%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	72.83	36.00	(36.83)	202.31%
	<b>Total Insurance-Fixed Assets</b>	72.83	36.00	(36.83)	202.31%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	8.80	-	(8.80)	0.00%
5015350	Building Rentals	36.00	-	(36.00)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	4,658.52	5,148.00	489.48	90.49%
	<b>Total Operating Lease Payments</b>	4,703.32	5,163.00	459.68	91.10%
5015500	Insurance-Operations				
5015510	General Liability Insurance	360.26	135.00	(225.26)	266.86%
5015540	Surety Bonds	15.43	8.00	(7.43)	192.88%
	<b>Total Insurance-Operations</b>	375.69	143.00	(232.69)	262.72%
	<b>Total Continuous Charges</b>	5,151.84	5,342.00	190.16	96.44%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	19.00	-	(19.00)	0.00%
5022180	Computer Software Purchases	99.90	-	(99.90)	0.00%
	<b>Total Computer Hrdware &amp; Sftware</b>	118.90	-	(118.90)	0.00%
5022400	Medical and Laboratory Equip				

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2019 and Ending June 30, 2020

Account		Amount			
Number	Account Description	Amount	Budget	Under/(Over) Budget	% of Budget
5022420	Medical and Dental Equip	5.37	-	(5.37)	0.00%
	Total Medical and Laboratory Equip	5.37	-	(5.37)	0.00%
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	76.19	-	(76.19)	0.00%
	Total Specific Use Equipment	76.19	-	(76.19)	0.00%
	Total Equipment	200.46	132.00	(68.46)	151.86%
	Total Expenditures	180,756.16	179,095.00	(1,554.08)	100.93%
<b>Allocated Expenditures</b>					
20600	Funeral\LTCA\PT	113,793.45	111,767.95	(2,025.50)	101.81%
30100	Data Center	66,364.24	93,863.88	27,499.64	70.70%
30200	Human Resources	8,562.15	5,543.05	(3,019.10)	154.47%
30300	Finance	29,862.56	29,379.38	(483.19)	101.64%
30400	Director's Office	11,013.96	11,747.07	733.11	93.76%
30500	Enforcement	158,934.39	171,630.14	12,695.74	92.60%
30600	Administrative Proceedings	19,779.95	32,292.88	12,512.92	61.25%
30700	Impaired Practitioners	-	143.54	143.54	0.00%
30800	Attorney General	4,634.04	4,634.61	0.57	99.99%
30900	Board of Health Professions	8,386.38	8,547.71	161.33	98.11%
31100	Maintenance and Repairs	-	625.69	625.69	0.00%
31300	Emp. Recognition Program	149.67	250.83	101.15	59.67%
31400	Conference Center	71.89	149.95	78.06	47.94%
31500	Pgm Devlpmnt & Implmentn	5,137.22	5,154.64	17.41	99.66%
	Total Allocated Expenditures	426,689.91	475,731.31	49,041.39	89.69%
	Net Revenue in Excess (Shortfall) of Expenditures	\$ 82,808.93	\$ 41,693.69	\$ (41,222.31)	198.61%

## Funeral Directors and Embalmers Monthly Snapshot for June 2020

Funeral Directors and Embalmers has closed more cases in June than received cases. Funeral Directors and Embalmers has closed 2 patient care cases and 5 non-patient care cases for a total of 7 cases.

Cases Closed	
Patient Care	2
Non-Patient Care	5
<b>Total</b>	<b>7</b>

The board has received 2 patient care cases and 1 non-patient care case for a total of 3 cases.

Cases Received	
Patient Care	2
Non-Patient Care	1
<b>Total</b>	<b>3</b>

As of June 30, 2020 there are 35 patient care cases open and 22 non-patient care cases open for a total of 57 cases.

Case Open	
Patient Care	35
Non Patient Care	22
<b>Total</b>	<b>57</b>

There are 3090 Funeral Directors and Embalmers licenses as of July 1, 2020. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Branch Establishment	85
Continuing Education Provider	12
Courtesy Card	102
Crematories	112
Embalmer	2
Funeral Director	33
Funeral Establishment	411
Funeral Service Intern	192
Funeral Service Licensee	1502
Funeral Supervisor	591
Surface Transport & Removal Services	48
<b>Total for Funeral Directors and Embalmer</b>	<b>3090</b>

There were 16 licenses issued for Funeral Directors and Embalmers for the month of June. The number of licenses issued are broken down by profession in the following chart.

License Issued	
Funeral Service Intern	7
Funeral Service Licensee	8
Funeral Supervisor	1
<b>Total for Funeral Directors and Embalmers</b>	<b>16</b>

## Funeral Directors and Embalmers Monthly Snapshot for July 2020

Funeral Directors and Embalmers has received more cases in July than closed. Funeral Directors and Embalmers has closed 1 patient care case and 4 non-patient care cases for a total of 5 cases.

Cases Closed	
Patient Care	1
Non-Patient Care	4
Total	5

The board has received 3 patient care cases and 3 non-patient care cases for a total of 6 cases.

Cases Received	
Patient Care	3
Non-Patient Care	3
Total	6

As of July 30, 2020 there are 37 patient care cases open and 21 non-patient care cases open for a total of 58 cases.

Cases Open	
Patient Care	37
Non-Patient Care	21
Total	58

There are 3,114 Funeral Directing licensees as of August 1, 2020. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Branch Establishment	86
Continuing Education Provider	9
Courtesy Card	106
Crematories	112
Embalmer	2
Funeral Director	33
Funeral Establishment	410
Funeral Service Intern	199
Funeral Service Licensee	1,512
Funeral Supervisor	597
Surface Transport & Removal Services	48
Total for Funeral Directors and Embalmers	3,114

There were 24 licenses issued for Funeral Directors and Embalmers for the month of July. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Branch Establishment	1
Courtesy Card	2
Funeral Service Intern	8

Funeral Service Licensee	7
Funeral Supervisor	6
Total for Funeral Directors and Embalmers	24

# Committee and Board Member Reports



**DRAFT**

**9960 Mayland Dr, Henrico, VA 23233**

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the provisions of Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda necessary for the board to discharge its lawful purposes, duties and responsibilities

[An audio file of this meeting may be found here.](#)

### **In Attendance**

Virtual- Sahil Chaudhary, Citizen Member  
Virtual- Helene Clayton-Jeter, OD, Board of Optometry  
Virtual- Kevin Doyle, EdD, LPC, LSATP, Board of Counseling  
Virtual- Louise Hershkowitz, CRNA, MSHA, Board of Nursing  
In-Person- Allen Jones, Jr., DPT, PT, Board of Physical Therapy, Board Chair  
Virtual- Derrick Kendall, NHA, Board of Long-Term Care Administrators  
Virtual- Ryan Logan, RPh, Board of Pharmacy  
Virtual- Kevin O'Connor, MD, Board of Medicine  
Virtual- Martha Rackets, PhD, Citizen Member  
Virtual- John Salay, MSW, LCSW, Board of Social Work  
Virtual- Herb Stewart, PhD, Board of Psychology  
In-Person- James Wells, RPh, Citizen Member

### **Absent**

Sheila E. Battle, MHS, Citizen Member  
Louis Jones, FSL, Board of Funeral Directors and Embalmers  
Steve Karras, DVM, Board of Veterinary Medicine  
Alison King, PhD, CCC-SLP, Board of Audiology & Speech-Language  
Maribel Ramos, Citizen Member  
Vacant-Board of Dentistry

### **DHP Staff**

Virtual- Barbara Allison-Bryan, MD, Deputy Director DHP  
Virtual- David Brown, DC, Director DHP  
In-Person- Elizabeth A. Carter, PhD, Executive Director BHP  
Virtual- Jay Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing  
In-Person- Laura Jackson, MSHSA, Operations Manager BHP  
Virtual- Yetty Shobo, PhD, Deputy Executive Director BHP

**DHP Staff  
Cont'd.**

- Virtual- Corie E. Tillman-Wolf, JD, Executive Director Boards of Funeral Directors and Embalmers, Long-Term Care Administrators and Physical Therapy
- Virtual- Elaine Yeatts, Senior Policy Analyst DHP

**OAG**

- Virtual- Charis Mitchell, Assistant Attorney General

**Virtual  
Attendees**

- Ashley Wright
- Baron Glassgow
- Ben Traynham
- C. Barrineau
- James Pickral
- Jo Twombly
- Lauren Schmitt
- Marie Rodriguez
- Mark
- Melika Zand
- Sarah Giardenelli
- Sheila
- Traci Hobson
- Unidentified Call-in User 11
- Unidentified Call-in User 12
- Unidentified Call-in User 13
- Unidentified Call-in User 7
- Unidentified Call-in User 8

**Call to Order**

- Dr. Jones, Jr., Board Chair
- Time: 11:04 a.m.
- Quorum: Established

**Agenda**

The agenda was approved by acclamation as presented.

**Public Comment**

No public comment was received by the Board office prior to the August 19, 2020 5:00 p.m. deadline.

**Approval of  
Minutes**

On properly seconded motion by Dr. Clayton-Jeter, the minutes from the June 25, 2020 meeting were approved as presented.

**Director's Report**

Dr. Brown stated that the Department has held several virtual meetings since the onset of COVID-19 and the closing of the Perimeter Center Building to the public. DHP is following government mandated protocols to keep individuals safe and leveraging teleworking to the extent possible. The Enforcement and APD divisions and the Boards are keeping abreast of the incoming cases and disciplinary hearings.

**Legislative and Regulatory Report**

Ms. Yeatts provided an overview of current legislative and regulatory actions. She also noted that the change made to the Boards Bylaws (Guidance document 75-4) are effective today.

**Board Chair Report**

Dr. Jones, Jr., thanked Dr. Stewart for filling in as Chair for the June 25, 2020 meeting. He thanked staff for all their efforts in keeping the boards up and running during this pandemic. He noted that the Fall election of officers will usher in the new position of 2nd Chair.

**Board Study Into the Need to Regulate Diagnostic Medical Sonographer**

Mr. Wells provided an overview of the Diagnostic Medical Sonographer study findings. He advised that after reviewing the study materials that the Regulatory Research Committee deemed that Criterion One: Risk for Harm to the Consumer was not met. There was insufficient evidence of harm attributable to the practice of diagnostic medical sonography by individuals credentialed to justify their regulation by the state. However, the Regulatory Research Committee did have concern about the use of 3-D ultrasound medical devices by unlicensed people taking "Keepsake" fetal sonograms. This matter is being referred to the full Board for further discussion.

Motion: Dr. Doyle moved and Dr. O'Connor seconded acceptance of the Regulatory Research Committee's findings.

Discussion and Amended Motion: Upon discussion, an amendment was made to the original motion to table the discussion of the fetal imaging concerns to the November 10, 2020 agenda. The motion was properly seconded, all members voted in favor, none opposed.

**Board Study  
into the Need to  
Regulate  
Naturopathic  
Doctors**

Mr. Wells provided an overview of the Naturopathic Doctor study findings. He stated that the Committee found sufficient evidence of all six criterion and recommended, under criterion seven, licensure of the profession. The Committee requested that the scope of practice include physical exams, ordering lab tests and interpretation of lab tests, ordering x-rays or other videography but with the interpretation by another qualified practitioner. Further, there should be no prescriptive authority for legend drugs. The profession should be regulated under the Board of Medicine. Also, lay practitioners who are not licensed under this chapter should not be precluded from (i) providing natural health consulting on Ayurvedic medicine, traditional naturopathic therapies, herbalism, nutritional advice, or homeopathy, or (ii) from selling vitamins and herbs, provided the person or lay practitioner does not use any title prohibited under § 54.1-2956.14.

A motion to approve the Committees recommendations was made by Mr. Salay and properly seconded.

After discussion and review of the Criteria, the Board voted on the Committee's recommendations. Five members (Dr. Doyle, Ms. Hershkowitz, Mr. Salay, Dr. Rackets, and Mr. Wells) were in favor of licensure, six members (Dr. O'Connor, Dr. Clayton-Jeter, Mr. Logan, Dr. Jones, Jr., Dr. Stewart, Mr. Chaudhary) opposed licensure. The motion failed.

**Executive  
Director's  
Report**

Due to time constraints, Dr. Carter requested that the Executive Director's Report be carried over to the November 10, 2020 meeting.

**Healthcare  
Workforce Data  
Center**

Due to time constraints, Dr. Carter requested that the Healthcare Workforce Data Center report also be carried over to the November 10, 2020 meeting.

**Individual  
Board Reports**

Board of Medicine - Dr. O'Connor stated that the Board cancelled all June meetings and had just recently begun board hearings. He provided that disciplinary hearings are stacking up so the October meeting (hopefully to be held in person) will have a full schedule to include informal conferences. Dr. O'Connor commended Board staff for keeping up with credentialing of the boards professions.

Board of Nursing - Ms. Hershkowitz (Attachment 2)

Board of Optometry - Dr. Clayton-Jeter (Attachment 3)

Board of Audiology & Speech-Language Pathology - no report

Board of Counseling - Dr. Doyle (Attachment 4)

Board of Funeral Directors & Embalmers - no report

Board of Long-Term Care Administrators - no report

Board of Pharmacy - Mr. Logan reported that the Board of Pharmacy held a virtual meeting and public hearing on June 16, 2020. He stated that the Board is receiving approximately 100 applications for registered patients weekly.

Board of Psychology - Dr. Stewart (Attachment 5)

Board of Social Work - Mr. Salay (Attachment 6)

Board of Physical Therapy - Dr. Jones, Jr. (Attachment 7)

Board of Veterinary Medicine - no report

Board of Dentistry - vacant

**New Business** There was no new business.

**Next Full Board Meeting** Dr. Jones, Jr. advised the Board that the next meeting is scheduled for November 10, 2020 at 10:00 a.m.

**Adjourned** The meeting adjourned at 1:26 p.m.

**Vice Chair Signature** Allen Jones, Jr., DPT  
\_\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

**Board Exec. Director Signature** Elizabeth A. Carter, PhD  
\_\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

Board of Health Professions attachments can be found at  
[https://www.dhp.virginia.gov/bhp/bhp\\_calendar.htm](https://www.dhp.virginia.gov/bhp/bhp_calendar.htm)

# Legislation and Regulatory Report

## Regulatory Report As of September 21, 2020

Board		Board of Funeral Directors and Embalmers
Chapter	Action / Stage Information	
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Results of periodic review</u> [Action 5165]  <b>Final</b> - At Secretary's Office for 41 days
[18 VAC 65 - 30]	Regulations for Preneed Funeral Planning	<u>Periodic review 2018</u> [Action 5220]  <b>Final</b> - At Secretary's Office for 41 days
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<u>Periodic review 2019</u> [Action 5221]  <b>Proposed</b> - At Governor's Office for 262 days



# Board Discussion and Action

Adoption of Emergency  
Regulations for Licensure of  
Funeral Directors and  
Embalmers  
(SB1044, 2020 Acts of  
Assembly Ch. 943)

**REGULATIONS OF THE  
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**Title of Regulations: 18 VAC 65-20-10 et seq.**

**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:

"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.

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 days of any change in the name of the manager on 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.

**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

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

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 not included on initial or renewal application \$300

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, funeral 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.

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~~ licensee, funeral director, ~~and or~~ embalmer is lapsed three years or less and the applicant is seeking reinstatement, ~~the applicant 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.

**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. Continued approval of a continuing education provider may be granted without submission of the 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 documentation and a provider fee is required.

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 for a period of two years after renewal.

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, funeral directing, or embalming 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 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 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.

**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.

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

**18VAC65-20-231. Requirements for a funeral director license by examination.**

A. To qualify for licensure as a funeral director, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service internship prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated, or have completed an Associates Degree or its equivalent, which consists of at least 60 credit hours of coursework to include successful completion of coursework in the areas of (a) pathology and (b) anatomy, from a funeral directing program approved by the board;
4. Have passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards; and
5. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Application requirements. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored or may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

**18VAC65-20-232. Requirements for an embalmer license by examination.**

A. To qualify for licensure as an embalmer, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service internship prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated, or have completed an embalming program approved by the board;
4. Have passed the National Board Examination in Sciences or State Board Examination in Sciences of the International Conference of Funeral Service Examining Boards; and
5. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Application requirements. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored or may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

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

All applicants for ~~funeral service~~ licensure as a funeral service licensee 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.

1. Applicants shall submit 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.**

A. Licenses for the practice of funeral service, funeral directing, embalming or ~~its~~ an equivalent license 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.**

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 in compliance with standards of the Occupational Safety and Health Administration (OSHA) for universal precautions and blood-borne pathogens; 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.

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 (ICCF); 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. 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 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.

C. The holder of a Virginia courtesy card shall only engage in the practice for which he is currently licensed in another jurisdiction.

#### **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, funeral directing, or embalming 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. Conducting activities or performing services that are outside the scope of a licensee's practice or for which the licensee is not trained and individually competent.

## **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.

### **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 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~~ licensees 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.

DRAFT

**REGULATIONS FOR  
PRENEED FUNERAL PLANNING**

**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**(18VAC65-30-10 et. seq.)**

**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 **or funeral director** 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 or funeral director.

### **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 year 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;
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 shall notify the board and each existing contract buyer in writing.

### **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.

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 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 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, 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.)

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 License Number:

Method of Funding

A. Insurance

B. Trust

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:

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

A. Buyer:

B. Insurance Company:

C. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director or Funeral Service Licensee in Virginia: \_\_\_yes \_\_\_no

Funeral Director or Funeral Service License Number (If Applicable):

Employed by Funeral Home (If Applicable):

D. 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

#### 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.

#### 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. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances which apply);
4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

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

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\_\_\_\_

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 means just the opposite. (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, 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 its executive except in accordance with § 64.2-729 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 value to cover all expenses.

-- 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)

## 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 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. 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. The nonguaranteed prices may be written in at the time of this contract with you understanding that the price is an estimate only and may increase or decrease. A settlement to that effect may have to be made with your family or representative after your death.

-- 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, 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.

## 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

Fax: (804) 939-5973

**REGULATIONS FOR THE  
FUNERAL ~~SERVICE~~ INTERNSHIP PROGRAM**

**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**Part I. General Provisions.**

**18VAC65-40-10. Definitions.**

In addition to words and terms 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:

"Direct supervision" means that a person licensed for the practice of funeral service, funeral directing, or embalming professional is present and on the premises of the facility.

"Supervisor" means a licensed employee at the training site who has been approved by the board to provide supervision for the funeral intern.

"Training site" means the licensed funeral establishment, facility, or institution that has agreed to serve as a location for a funeral service internship and has been approved by the board.

**18VAC65-40-20 to 18VAC65-40-30. [Repealed]**

**18VAC65-40-40. Fees.**

A. The following fees shall be paid as applicable for registration:

- |  |       |
|--|-------|
| 1. Funeral service, <u>funeral directing, or embalming</u> intern registration | \$150 |
| 2. Funeral service, <u>funeral directing, or embalmer</u> intern renewal       | \$125 |
| 3. Late fee for renewal up to one year after expiration                        | \$45  |
| 4. Duplicate copy of intern registration                                       | \$25  |
| 5. Returned check  | \$35  |
| 6. Registration of supervisor  | \$35  |
| 7. Change of supervisor  | \$35  |
| 8. Reinstatement fee   | \$195 |

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted.

**18VAC65-40-50 to 18VAC65-40-80. [Repealed]**

**18VAC65-40-90. Renewal of registration.**

A. The funeral service, funeral directing, or embalming intern registration shall expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service, funeral directing, or embalming intern is responsible for notifying the board within 14 days of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.

**18VAC65-40-100. [Repealed]**

**18VAC65-40-110. Reinstatement of expired registration.**

A. A funeral service, funeral directing, or embalming intern whose registration has expired may be reinstated within one year following expiration by payment of the current renewal fee and the late renewal fee.

B. A funeral service, funeral directing, or embalming intern whose registration has been expired for more than one year shall apply for reinstatement by submission of an application and payment of a reinstatement fee. The board may consider reinstatement of an expired registration for up to three years following expiration.

C. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new internship begun.

**18VAC65-40-120. [Repealed]**

**Part II. ~~Funeral Service~~ Internship Requirements.**

**18VAC65-40-130. Funeral service, funeral directing, or embalming internship.**

A. ~~The internship~~ An internship for funeral service, funeral directing, or embalming shall consist of at least ~~3,000~~ 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. For good cause shown, the board may grant an extension of time for completion of an internship.

B. The ~~funeral service~~ intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.

C. A funeral service intern shall receive training in all areas of funeral service.

D. A funeral directing intern shall receive training in all areas of funeral directing, including assisting in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.

E. An embalming intern shall receive training in all aspects of embalming practice, including assisting in at least 25 embalmings, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.

**18VAC65-40-140 to 18VAC65-40-170. [Repealed]**

**18VAC65-40-180. Intern application package for funeral service licensure.**

A. Any person who meets the qualifications of §54.1-2817 of the Code of Virginia may seek registration with the board as a funeral service intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

**18VAC65-40-185. Intern application for funeral directing or embalming licensure.**

A. An applicant, who attests to holding a high school diploma or its equivalent, may seek registration with the board as a funeral directing or an embalming intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may approve an application to be a funeral directing or an embalming intern for an individual convicted of a felony, if the applicant has successfully fulfilled all conditions of sentencing, been pardoned, or has had civil rights restored. The board shall not, however, approve an application to be an intern for any person convicted of embezzlement or of violating subsection B of Virginia Code § 18.2-126. The board, in its discretion, may refuse to approve an application to be a funeral directing or an embalming intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

**18VAC65-40-190 to 18VAC65-40-200. [Repealed]**

**18VAC65-40-201. Failure to register.**

If the internship is not approved by the board prior to initiation of training, no credit shall be allowed for the length of time served.

**18VAC65-40-210. Training sites.**

A. Funeral training shall be given at the licensed funeral service establishment or at any branch of such establishment that complies with the provisions of this chapter and is approved by the board as a training site.

B. An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.

**18VAC65-40-220. Qualifications of training site.**

A. The board shall approve only an establishment or two combined establishments to serve as the training site or sites that:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have For a funeral service internship, have 50 or more funerals and 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site;  
or
4. For a funeral directing internship, have 50 or more funerals over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals, the funeral directing intern may seek approval for an additional training site; or
5. For an embalming internship, have 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of embalmings, the embalming intern may seek approval for an additional training site.

B. The board may grant approval for a ~~resident trainee~~ funeral service or embalming intern to receive all or a portion of the embalming training at a facility of state or federal government or an accredited educational institution.

**18VAC65-40-230 to 18VAC65-40-240. [Repealed]**

**18VAC65-40-250. Requirements for supervision.**

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at



least two consecutive years in practice and are employed full time in or under contract with the establishment, facility, or institution where training occurs.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.

D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

E. If a supervisor is unable or unwilling to continue providing supervision, the ~~funeral service~~ intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

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

**18VAC65-40-260 to 18VAC65-40-270. [Repealed]**

**18VAC65-40-280. Supervisor application package.**

A. A licensee seeking approval by the board as a supervisor shall submit a completed application and any additional documentation as may be required to determine eligibility.

B. The application for supervision of a funeral service, funeral directing, or embalming intern shall be signed by the establishment manager and by the persons who will be providing supervision for embalming, funeral directing, or and for ~~the~~ funeral services.

**18VAC65-40-290. through 18VAC65-40-310. [Repealed]**

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

A. The intern, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding period; and

2. Be received in the board office no later than 14 days following the end of the completion of 1,000 hours. ~~Late reports may result in additional time being added to the internship.~~

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.

2. Partial reports shall be received in the board office no later than 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. ~~Credit may be deducted for late reports.~~

C. An intern shall not receive credit for training hours on a new 1,000 hour report until the previous 1,000 hour report has been approved by the Board.

D. Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the board may deny an additional internship. A funeral directing or an embalming intern may continue to practice for up to 90 days from the completion of his internship hours or until he has taken and received the results of all examinations required by the board, whichever occurs first. However, the board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the board determines that enforcement of the limitation will create an unreasonable hardship.

#### **18VAC65-40-330. Failure to submit training report.**

If the intern, supervisor, or establishment manager fails to submit the reports required in 18VAC65-40-320, the intern may forfeit all or partial credit for training or disciplinary action may be taken against the intern, supervisor and establishment manager.

### **Part III. Internship: ~~Funeral~~ Supervisors' Responsibilities.**

#### **18VAC65-40-340. Supervisors' responsibilities.**

A. The supervisor shall provide the intern with all applicable laws and regulations or sections of regulations relating to the funeral industry.

B. The supervisor shall provide the intern with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide ~~the~~ a funeral service or funeral directing intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to conduct all necessary arrangements for a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the funeral service or embalming intern under direct supervision to perform a minimum of 25 embalmings.

E. The supervisor shall provide the funeral service or funeral directing intern with instruction in making preneed funeral arrangements and instruction on the laws and regulations pertaining to preneed funeral contracts and disclosures.

F. The supervisor shall provide the funeral service or funeral directing intern instruction on cremation and on the laws and regulations pertaining to cremation.

G. If a training site does not offer preneed funeral planning or cremation services, the supervisor shall arrange for such training at another licensed funeral establishment that does.

**18VAC65-40-350 to 18VAC65-40-630. [Repealed]**

#### **Part IV. Refusal, Suspension, Revocation, and Disciplinary Action.**

**18VAC65-40-640. Disciplinary action.**

The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the laws and regulations of the Board of Funeral Directors and Embalmers.

DRAFT

Public Comment  
for October 6, 2020 Meeting

On Thu, Sep 3, 2020 at 7:21 PM CHRISTOPHER CARTER

<[CHRISTOPHERCAR\\*\\*\\*\\*\\*@msn.com](mailto:CHRISTOPHERCAR*****@msn.com)> wrote:

Corie E. Tillman Wolf, J.D., Executive Director

Board of Funeral Directors and Embalmers 9960 Mayland Drive, Suite 300 Henrico,  
Virginia 23233-1463

Dear Ms Tillman Wolf,

My reason for writing today is with regard to the proposed educational requirements for a funeral director, passed by the Regulatory Advisory Panel on September 1, 2020.

As a funeral home owner who do not want to be and embalmer, I am concerned about the inclusion of anatomy and pathology courses as part of the curriculum. In the interest of serving the public in a rapidly changing environment, the need for professionals licensed to arrange and direct funerals is paramount. Anatomy and pathology are not applicable to these responsibilities. These courses have been included with funeral service education as they relate to embalming. A curriculum, which includes business courses, communication, law and accounting, seems more pertinent to the role of a funeral director.

During the panel discussion, the inclusion of said course were deemed important since funeral directors may be involved in the transportation of deceased individuals. However, OSHA Blood borne Pathogens training would address concerns related to funeral director candidates who may participate in those tasks.

Upon review of funeral director programs, currently available in the United Sates, I noticed they do not include anatomy and pathology. Our company employs funeral directors in 44 states and am concerned that funeral directors would be ineligible for licensure in Virginia, due to educational requirements not fulfilling the proposed standard. I believe the intent of the legislation requiring the Board to develop standards for licensure of funeral directors was in response staffing issues funeral homes are experiencing. Allowing increased opportunities for people to enter the funeral profession is of utmost importance. These proposed educational requirements would hinder many qualified service providers from entering the profession in Virginia. The Board's reconsideration of these two courses and amending the proposed educational requirements would support the intent of the legislation in a meaningful way.

In closing, I was there when this bill was brought up in committee, I spoke on Its behalf its intent was for it to be separate no classes for embalming.

Sincerely

Christopher C. Carter Sr.,

C.C.Carter Funeral Home Newport News, VA.

SEP 09 2020

DHP

Ralph DeStefano

7482 Lee Highway

Falls Church, Virginia 22042

[Ralph.destefano@sci-us.com](mailto:Ralph.destefano@sci-us.com)

703-289-4745

FDE  
SEP - 9 2020

September 3, 2020

Corie E. Tillman Wolf, J.D., Executive Director  
Board of Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

Dear Ms Tillman Wolf,

My reason for writing today is with regard to the proposed educational requirements for a funeral director, passed by the Regulatory Advisory Panel on September 1, 2020.

As a licensee and a funeral service professional, I am concerned about the inclusion of anatomy and pathology courses as part of the curriculum. In the interest of serving the public in a rapidly changing environment, the need for professionals licensed to arrange and direct funerals is paramount. Anatomy and pathology are not applicable to these responsibilities. These courses have been included with funeral service education as they relate to embalming. A curriculum, which includes business courses, communication, law and accounting, seems more pertinent to the role of a funeral director.

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Sincerely,



Ralph DeStefano  
Managing Director, Northern Virginia Area

Cc: David E. Brown, D.C., Executive Director, Department of Health Professions

----- Forwarded message -----

From: <[mrb\\*\\*\\*\\*\\*@aol.com](mailto:mrb*****@aol.com)>

Date: Thu, Sep 10, 2020 at 1:14 PM

Subject: Additional concerns for the the RAP to Consider

To: [fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov) <[fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov)>

Greetings All,

After reviewing the recommendations and comments of the two RAP meetings, The topic of continuing education requirements came into question. This thought also was shared by other panel members.

The current regulations in 18VAC65-20-151, states that " 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."

With the updating of the requirements for approval and issuance of a separate funeral director and embalmer license, I think the continuing education requirement need to be revised or reviewed.

One who has only an embalmer license should not be required to take a preneed course. They should continue to be required the five hours annually, however, preneed should be removed and replace with an OSHA, additional law or technical course.

Respectfully Submitted,

Barry D. Robinson  
RAP member

# FUNERAL CONSUMERS ALLIANCE

A nonprofit protecting your right to choose a meaningful, dignified, and affordable funeral

33 Patchen Road, South Burlington, VT 05403 ~ 802-865-8300 ~ funerals.org

September 21, 2020

Virginia Board of Funeral Directors and Embalmers  
Perimeter Center  
9960 Maryland Drive  
Henrico, VA 23294

re: Proposed licensing requirements for funeral directors pursuant to SB 1044

## Sent by Electronic Mail

The proposed regulations to create a separate licensure category for non-embalmer funeral directors are contrary to the legislative intent behind SB1044. That bill's purpose was to compel the Board to license non-embalming funeral directors to do business in Virginia. Embalming is increasingly irrelevant as more families turn to simpler arrangements that do not create a practical requirement for this service. It is not practiced by traditional Jewish and Islamic burial providers. It is not even legally required by the Commonwealth when refrigeration is available.

The members of the Board are aware that Senator Jeremy McPike's legislative intent was to allow competent, non-embalming funeral directors to enter funeral service. Instead of working to fulfill that intent, the Board proposes to erect irrational barriers to achieving a funeral directing license.

- The Board's proposed regulations require a funeral director to either a) earn an associate's degree in mortuary science (which includes extensive embalming training), earn a degree in 'funeral service' (a non-standard and unclear curriculum label), or earn 60 credit hours of coursework **including pathology and anatomy**.

In plain terms, the proposed regulations mean: "A funeral director is going to have to go to embalming school, or he or she will have to spend the equivalent amount of time taking courses in anatomy and pathology in order to do business in Virginia."

This is transparently an attempt to keep the current licensure bottleneck in place. That bottleneck winnows out non-embalmers and privileges traditional (and increasingly outmoded) embalming-focused funeral directors.

Senator McPike recognizes the problem. His letter to Director of the Virginia Department of Health Professions states:



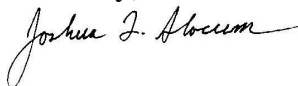
*'The creation of an overly burdensome, non-relevant curriculum . . . that can possibly take years to be approved or implemented is exactly the outcome I wanted to avoid.'*

There is no health, safety, or consumer protection purpose served by requiring all funeral directors to either train in embalming or to spend the equivalent amount of time in coursework best described as “everything but”. CEOs of airline companies do not need to be pilots. Hospital directors do not need to be cardiac surgeons. Yet we are asked to believe that it is too dangerous to grieving consumers to allow a non-embalming-trained funeral director to plan and carry out a funeral.

It was my hope that this regulatory effort would refrain from using the rulemaking process to protect funeral service from innovation and competition. This hope was misplaced. The proposed regulations offer not consumer protection, but industry protectionism.

Stakeholders who take seriously the interests of the public should challenge these draft rules. Commonwealth statutes created the Board to protect the grieving public from unscrupulous practices. The rulemaking process must not abuse the public’s trust by using state-granted authority to insulate funeral service from change that would benefit consumers and promote a competitive marketplace.

Sincerely,



Joshua L. Slocum  
Executive Director

cc: Office of Governor Ralph Northam  
David Brown, D.C., Director of the Virginia Dept. of Health Professions  
Senator Jeremy McPike  
Jeff Rowes, Institute for Justice  
Funeral Consumers Alliance of the Virginia Blue Ridge



September 25, 2020

*Via Electronic Mail: [corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov)*

Corie E. Tillman Wolf, J.D., Executive Director  
BOARD OF FUNERAL DIRECTORS AND EMBALMERS  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

Dear Ms. Tillman Wolf,

My reason for writing today is with regard to the proposed educational requirements for a funeral director, passed by the Regulatory Advisory Panel on September 1, 2020. I appreciate the opportunity to share the thoughts and concerns of our organization as it relates to the proposed requirements.

As an operator of funeral homes throughout the United States, Carriage Services is particularly concerned about the inclusion of anatomy and pathology courses as part of the curriculum. The proposed educational regulations will make it exceedingly difficult for licensed funeral directors from many states to become licensed in Virginia, without having to go back to school to take these courses and meet Virginia's educational requirements. We understand the intent of the legislation, which directed the Board to develop regulations for the issuance of separate funeral director and embalmer licenses, was to make the profession more accessible for new entrants and provide increased opportunity for employment. We believe the proposed regulations erect new barriers to licensure, as no other states specifically mandate science or embalming related courses for funeral directors.

It is our understanding that the inclusion of anatomy and pathology were deemed important by panel members, as funeral directors may be involved in the transportation of deceased individuals. However, OSHA Bloodborne Pathogens training would address concerns related to funeral director candidates who may participate in those tasks. College courses do not teach procedures such as removal techniques, this training is most appropriately addressed as part of an internship program.

Upon reviewing funeral director programs currently available in the United States, we note none include anatomy and pathology in their curricula. We believe the educational requirements, as proposed, erect unique and unnecessary barriers to licensure. The intent of the legislation requiring the Board to develop standards for licensure of funeral directors was in response to staffing issues many funeral homes are experiencing, as well as enabling persons whose faiths prohibit embalming to become funeral directors. Allowing increased opportunities for people to enter the funeral profession is of utmost importance. These proposed educational requirements would hinder many qualified service providers from entering the profession in Virginia. The Board's reconsideration of these two courses and amending the proposed educational requirements would support the intent of the legislation in a more meaningful way.

Carriage appreciates your consideration of our thoughts and I am available to discuss these concerns in more detail if you believe that would be helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "S Metzger", is written over a horizontal line.

Steve Metzger  
*Senior Vice President & General Counsel*

Cc: David E. Brown, D.C., Director, Department of Health Professions



SEP 30 2020  
DHP

September 22, 2020

FDE

SEP 30 2020

Corie E. Tillman Wolf, J.D., Executive Director  
Board of Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

Dear Ms. Tillman Wolf,

I am writing in opposition to the proposed educational requirements for the position of Funeral Director, as passed by the Regulatory Advisory Panel at its September 1, 2020 meeting.

As Virginia's largest provider of cremation services, we believe the inclusion of anatomy and pathology courses as part of the curriculum for a funeral director is unnecessary. The primary responsibility of a funeral director is that of assisting families in the arranging of funeral, or in our case, cremation services. Neither anatomy nor pathology are relevant to these duties. We strongly believe a more appropriate curriculum is one which includes business courses, communication, law, accounting, etc. Furthermore, upon reviewing the proposed curriculum of John Tyler and Tidewater Community Colleges, the curriculum includes a course in embalming, but does not address cremation, which is the fastest growing method of disposition and will soon be the most selected method in Virginia.

I note during the Regulatory Advisory Panel discussions, many references were made to a funeral director participating in transfer and transportation of the deceased. Funeral service anatomy and pathology courses are primarily taught with an emphasis on their relation to embalming. If the true concern is the safe handling of human remains during a transfer, then the OSHA Blood borne Pathogens training would be a more appropriate and relevant course for funeral director candidates to complete and should be incorporated into the training requirements of the internship.

No funeral director programs, currently offered in the US, include both of these courses in their curricula. As an employer of funeral directors in 30 states, we are concerned many of our funeral directors would be ineligible for licensure in Virginia, as their education would not comply with the proposed standard. It is my understanding that the intent of the legislation, which required the Board to create criteria for licensure of funeral directors, was to address work force concerns and allow for greater opportunity to enter the funeral profession. I believe the proposed educational standards actually put in place barriers, which would prevent many qualified funeral directors from being licensed by endorsement in Virginia. I urge the Board to consider amending the proposed educational requirements to delete these two courses.

Very truly yours,

Tim Nicholson  
Vice President

Cc: David E. Brown, D.C., Executive Director, Department of Health Professions

Board of Funeral  
Directors and Embalmers  
Cash Balance  
as of August 31, 2020

Virginia Department of Health Professions  
Cash Balance  
As of Augsut 31, 2020

	<b>104- Funeral Directors and Embalmers</b>
<b>Board Cash Balance as June 30, 2020</b>	\$ 757,223
<b>YTD FY21 Revenue</b>	19,425
<b>Less: YTD FY21 Direct and Allocated Expenditures</b>	<u>119,621</u>
<b>Board Cash Balance as Augsut 31, 2020</b>	<u><u>\$ 657,027</u></u>

Board of Funeral  
Directors and Embalmers  
Revenue and  
Expenditures Summary  
as of August 31, 2020

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2020 and Ending August 31, 2020

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
<b>4002400 Fee Revenue</b>					
4002401	Application Fee	9,450.00	49,845.00	40,395.00	18.96%
4002406	License & Renewal Fee	5,125.00	612,290.00	607,165.00	0.84%
4002407	Dup. License Certificate Fee	100.00	360.00	260.00	27.78%
4002409	Board Endorsement - Out	150.00	3,850.00	3,700.00	3.90%
4002421	Monetary Penalty & Late Fees	-	10,025.00	10,025.00	0.00%
4002430	Board Changes Fee	1,700.00	7,695.00	5,995.00	22.09%
4002432	Misc. Fee (Bad Check Fee)	-	35.00	35.00	0.00%
	<b>Total Fee Revenue</b>	<b>16,525.00</b>	<b>684,100.00</b>	<b>667,575.00</b>	<b>2.42%</b>
<b>4009000 Other Revenue</b>					
4009060	Miscellaneous Revenue	2,900.00	3,300.00	400.00	87.88%
	<b>Total Other Revenue</b>	<b>2,900.00</b>	<b>3,300.00</b>	<b>400.00</b>	<b>87.88%</b>
	<b>Total Revenue</b>	<b>19,425.00</b>	<b>687,400.00</b>	<b>667,975.00</b>	<b>2.83%</b>
<b>5011110 Employer Retirement Contrib.</b>					
5011120	Fed Old-Age Ins- Sal St Emp	1,445.13	6,567.37	5,122.24	22.00%
5011140	Group Insurance	266.40	1,041.38	774.98	25.58%
5011150	Medical/Hospitalization Ins.	6,258.40	24,315.00	18,056.60	25.74%
5011160	Retiree Medical/Hospitalizatn	225.70	870.41	644.71	25.93%
5011170	Long term Disability Ins	122.24	474.06	351.82	25.79%
	<b>Total Employee Benefits</b>	<b>11,144.58</b>	<b>44,505.81</b>	<b>33,361.23</b>	<b>25.04%</b>
<b>5011200 Salaries</b>					
5011230	Salaries, Classified	19,972.40	77,715.00	57,742.60	25.70%
	<b>Total Salaries</b>	<b>19,972.40</b>	<b>77,715.00</b>	<b>57,742.60</b>	<b>25.70%</b>
<b>5011300 Special Payments</b>					
5011310	Bonuses and Incentives	325.00	-	(325.00)	0.00%
5011340	Specified Per Diem Payment	350.00	-	(350.00)	0.00%
5011380	Deferred Compnstn Match Pmts	135.00	720.00	585.00	18.75%
	<b>Total Special Payments</b>	<b>810.00</b>	<b>720.00</b>	<b>(90.00)</b>	<b>112.50%</b>
<b>5011400 Wages</b>					
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	<b>Total Wages</b>	<b>-</b>	<b>8,133.00</b>	<b>8,133.00</b>	<b>0.00%</b>
<b>5011600 Terminatn Personal Svce Costs</b>					
5011660	Defined Contribution Match - Hy	23.70	-	(23.70)	0.00%
	<b>Total Terminatn Personal Svce Costs</b>	<b>23.70</b>	<b>-</b>	<b>(23.70)</b>	<b>0.00%</b>
<b>5011930 Turnover/Vacancy Benefits</b>					
	<b>Total Personal Services</b>	<b>31,950.68</b>	<b>131,073.81</b>	<b>99,123.13</b>	<b>24.38%</b>
<b>5012000 Contractual Svcs</b>					
<b>5012100 Communication Services</b>					
5012110	Express Services	-	200.00	200.00	0.00%
5012140	Postal Services	272.78	3,500.00	3,227.22	7.79%
5012150	Printing Services	-	1,500.00	1,500.00	0.00%
5012160	Telecommunications Svcs (VITA)	141.05	300.00	158.95	47.02%

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2020 and Ending August 31, 2020

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5012190	Inbound Freight Services	0.16	-	(0.16)	0.00%
	Total Communication Services	413.99	5,500.00	5,086.01	7.53%
5012200	Employee Development Services				
5012210	Organization Memberships	-	1,200.00	1,200.00	0.00%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	-	1,945.00	1,945.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	3,250.00	3,250.00	0.00%
	Total Employee Development Services	-	6,995.00	6,995.00	0.00%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	75.25	9,520.00	9,444.75	0.79%
5012440	Management Services	48.91	120.00	71.09	40.76%
5012470	Legal Services	-	500.00	500.00	0.00%
	Total Mgmnt and Informational Svcs	124.16	10,140.00	10,015.84	1.22%
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	22.48	-	(22.48)	0.00%
5012530	Equipment Repair & Maint Srvc	1.68	640.00	638.32	0.26%
	Total Repair and Maintenance Svcs	24.16	640.00	615.84	3.78%
5012600	Support Services				
5012640	Food & Dietary Services	48.70	2,100.00	2,051.30	2.32%
5012660	Manual Labor Services	4.85	1,200.00	1,195.15	0.40%
5012670	Production Services	20.57	1,120.00	1,099.43	1.84%
5012680	Skilled Services	-	8,310.00	8,310.00	0.00%
	Total Support Services	74.12	12,730.00	12,655.88	0.58%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	-	6,200.00	6,200.00	0.00%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	-	1,600.00	1,600.00	0.00%
5012880	Trvl, Meal Reimb- Not Rprtle	-	750.00	750.00	0.00%
	Total Transportation Services	-	9,250.00	9,250.00	0.00%
	Total Contractual Svcs	636.43	45,255.00	44,618.57	1.41%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013110	Apparel Supplies	3.10	-	(3.10)	0.00%
5013120	Office Supplies	158.74	1,500.00	1,341.26	10.58%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	Total Administrative Supplies	161.84	2,175.00	2,013.16	7.44%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013500	Repair and Maint. Supplies				
5013510	Building Repair & Maint Materl	3.52	-	(3.52)	0.00%
5013520	Custodial Repair & Maint Matr	0.49	-	(0.49)	0.00%
	Total Repair and Maint. Supplies	4.01	-	(4.01)	0.00%



Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2020 and Ending August 31, 2020

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
<b>5013600 Residential Supplies</b>					
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	<b>Total Residential Supplies</b>	<u>-</u>	<u>120.00</u>	<u>120.00</u>	<u>0.00%</u>
<b>5013700 Specific Use Supplies</b>					
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	<b>Total Specific Use Supplies</b>	<u>-</u>	<u>15.00</u>	<u>15.00</u>	<u>0.00%</u>
	<b>Total Supplies And Materials</b>	<u>165.85</u>	<u>2,395.00</u>	<u>2,229.15</u>	<u>6.92%</u>
<b>5015000 Continuous Charges</b>					
<b>5015100 Insurance-Fixed Assets</b>					
5015160	Property Insurance	-	36.00	36.00	0.00%
	<b>Total Insurance-Fixed Assets</b>	<u>-</u>	<u>36.00</u>	<u>36.00</u>	<u>0.00%</u>
<b>5015300 Operating Lease Payments</b>					
5015340	Equipment Rentals	2.20	-	(2.20)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	839.88	4,613.00	3,773.12	18.21%
	<b>Total Operating Lease Payments</b>	<u>842.08</u>	<u>4,628.00</u>	<u>3,785.92</u>	<u>18.20%</u>
<b>5015500 Insurance-Operations</b>					
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	<b>Total Insurance-Operations</b>	<u>-</u>	<u>143.00</u>	<u>143.00</u>	<u>0.00%</u>
	<b>Total Continuous Charges</b>	<u>842.08</u>	<u>4,807.00</u>	<u>3,964.92</u>	<u>17.52%</u>
<b>5022000 Equipment</b>					
<b>5022600 Office Equipment</b>					
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	<b>Total Office Equipment</b>	<u>-</u>	<u>132.00</u>	<u>132.00</u>	<u>0.00%</u>
	<b>Total Equipment</b>	<u>-</u>	<u>132.00</u>	<u>132.00</u>	<u>0.00%</u>
	<b>Total Expenditures</b>	<u>33,595.04</u>	<u>183,662.81</u>	<u>150,067.77</u>	<u>18.29%</u>
	<b>Allocated Expenditures</b>				
20600	Funeral\LTCA\IPT	22,466.48	113,395.83	90,929.35	19.81%
30100	Data Center	11,638.10	63,789.84	52,151.74	18.24%
30200	Human Resources	101.33	8,448.19	8,346.86	1.20%
30300	Finance	5,993.31	30,049.31	24,056.00	19.94%
30400	Director's Office	2,165.67	10,796.97	8,631.30	20.06%
30500	Enforcement	29,826.45	168,075.67	138,249.22	17.75%
30600	Administrative Proceedings	9,151.79	34,306.55	25,154.76	26.68%
30700	Impaired Practitioners	240.03	158.33	(81.69)	151.60%
30800	Attorney General	1,998.94	3,807.38	1,808.44	52.50%
30900	Board of Health Professions	1,627.76	8,127.10	6,499.34	20.03%
31100	Maintenance and Repairs	-	1,034.94	1,034.94	0.00%
31300	Emp. Recognition Program	3.17	611.69	608.52	0.52%

Virginia Department of Health Professions  
 Revenue and Expenditures Summary  
 Department 10400 - Funeral Directors and Embalmers  
 For the Period Beginning July 1, 2020 and Ending August 31, 2020

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
31400	Conference Center	8.43	149.95	141.52	5.62%
31500	Pgm Devlpmnt & Implmntn	804.07	4,840.75	4,036.69	16.61%
	<b>Total Allocated Expenditures</b>	<u>86,025.52</u>	<u>447,592.52</u>	<u>361,566.99</u>	<u>19.22%</u>
	<b>Net Revenue in Excess (Shortfall) of Expenditures</b>	<u>\$ (100,195.56)</u>	<u>\$ 56,144.67</u>	<u>\$ 156,340.23</u>	<u>178.46%</u>

Approval of Minutes  
Informal Conference  
September 22, 2020

Unapproved

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

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September 22, 2020

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

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**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 10:01 a.m.

**MEMBERS PRESENT:**

Louis Jones, FSL, Chair  
Blair Nelsen, FSL

**DHP STAFF PRESENT:**

Corie Tillman Wolf, Executive Director  
Angela Pearson, Senior Discipline Manager  
Claire Foley, Administrative Proceedings Division

**MATTER:**

**David Joseph Sloan, II, FSL Reinstatement Applicant  
License #0502-900762  
Case Number: 200989**

**DISCUSSION:**

Mr. Sloan appeared before the Committee in accordance with the Board's Notice of Informal Conference dated May 13, 2020 and he was not represented by counsel.

The Committee fully discussed the allegations as referenced in the May 13, 2020, Notice of Informal Conference with Mr. Sloan.

**CLOSED SESSION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of David Joseph Sloan, II, FSL Reinstatement Applicant. Additionally, he moved that Ms. Tillman Wolf 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.

**DECISION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted and ordered that Mr. Sloan's application for reinstatement is approved contingent upon passing the State Board exam and successful completion of continuing education. The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 11:00 a.m.

\_\_\_\_\_  
Louis Jones, FSL Chair

\_\_\_\_\_  
Corie Tillman Wolf, JD, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



Unapproved

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

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**September 22, 2020**

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

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**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 12:38 p.m.

**MEMBERS PRESENT:**

Louis Jones, FSL, Chair  
Blair Nelsen, FSL

**DHP STAFF PRESENT:**

Corie Tillman Wolf, Executive Director  
Angela Pearson, Senior Discipline Manager  
Claire Foley, Administrative Proceedings Division

**MATTER:**

**Ashley Dawn Safewright, FSL  
License #0502-901492  
Case Number: 194098**

**DISCUSSION:**

Ms. Safewright did not appear before the Committee in accordance with the Board's Notice of Informal Conference dated August 5, 2020 and she was not represented by counsel.

The Committee Chair concluded that adequate notice was provided to Ms. Safewright and the informal conference proceeded in her absence.

The Committee fully discussed the allegations as referenced in the August 5, 2020, Notice of Informal Conference.

**CLOSED SESSION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ashley Dawn Safewright, FSL. Additionally, he moved that Ms. Tillman Wolf 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.

**DECISION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to refer this matter to a Formal Administrative Hearing. The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 12:50 p.m.

\_\_\_\_\_  
Louis Jones, FSL Chair

\_\_\_\_\_  
Corie Tillman Wolf, JD, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



Unapproved

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

---

September 22, 2020

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

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**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 3:06 p.m.

**MEMBERS PRESENT:**

Louis Jones, FSL, Chair  
Blair Nelsen, FSL

**DHP STAFF PRESENT:**

Corie Tillman Wolf, Executive Director  
Angela Pearson, Senior Discipline Manager  
Claire Foley, Administrative Proceedings Division

**MATTER:**

**Steele-Bullock Funeral Home**  
**License #0501-000638**  
**Case Number: 204082**

**DISCUSSION:**

No one appeared before the committee to represent Steele-Bullock Funeral Home in accordance with the Board's Notice of Informal Conference dated August 12, 2020. Steele-Bullock Funeral Home was not represented by counsel.

The Committee Chair concluded that adequate notice was provided to Steele-Bullock Funeral Home and the informal conference proceeded in their absence.

The Committee fully discussed the allegations as referenced in the August 12, 2020, Notice of Informal Conference.

**CLOSED SESSION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Steele-Bullock Funeral Home. Additionally, he moved that Ms. Tillman Wolf



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.

**DECISION:**

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted and ordered that Steele-Bullock Funeral Home be offered a consent order for indefinite suspension not less than 6 months in addition to an inspection prior to reinstatement. The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 3:30 p.m.

\_\_\_\_\_  
Louis Jones, FSL Chair

\_\_\_\_\_  
Corie Tillman Wolf, JD, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

