

APPROVED

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF GENERAL BOARD MEETING**

Tuesday, March 9, 2004
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712
Conference Room 1

Department of Health Professions

CALL TO ORDER: A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:07 a.m.

PRESIDING: Bobby Gardner, Sr.

MEMBERS PRESENT: J. Michael Williams
Jack Miller
Joseph Jenkins, Jr.
Billie Watson Hughes
Barry Murphy
Rev. Alane C Miles
W.D. "Skip" Tharp
Pratt Stelly

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Young, Executive Director
Gail Jaspen, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Aesha Brandy, Administrative Assistant

COUNSEL PRESENT: Emily Wingfield, Assistant Attorney General
Jack Kotvas, Assistant Attorney General

GUESTS: Roger L. Johnston, Johnston Funeral Home
Richard Sikon, John Tyler Community College
David Partridge, Regulatory Support Services

QUORUM: With 9 members of the Board present, a quorum was established.

ORDERING OF AGENDA: On a properly seconded motion by Mr. Murphy, the Board approved the agenda.

Emily Wingfield introduced newly appointed board counsel, Jack Kotvas, Assistant Attorney General. Mr. Kotvas formerly served as the Director of DPOR in a previous administration.

**ACCEPTANCE
OF MINUTES:**

On a properly seconded motion by Mr. Tharp, the Board voted to approve the minutes of Special Conference Committee held August 19, 2003.

On a properly seconded motion by Mr. Tharp, the Board voted to approve the minutes of the Board Meeting, with changes, held December 10, 2003.

On a properly seconded motion by Mr. Tharp, the Board voted to approve the minutes of Formal Hearing held December 10, 2003.

On a properly seconded motion by Mr. Miller, the Board voted to approve the minutes of Special Conference Committee, with changes, held December 16, 2003.

PUBLIC COMMENT

None

NEW BUSINESS:

John Tyler Community College

Richard Sikon, Program Head for the Funeral Service Program at JTCC provided a brief presentation on the curriculum.

Federal Trade Commission

Ms. Young provided a letter received from the FTC concerning possible violation of its rule within the preneed need regulations. Ms. Wingfield stated that she has been in contact with the FTC and will meet with Ms. Young and Ms. Jaspen in the next couple of weeks to discuss the proceedings further. She also suggested having Sarah Allen of the Anti-Trust Section of the Attorney General's office to come and discuss the issue with the Board. The Board decided to ask Ms. Allen to attend its June board meeting.

2004 General Assembly

Elaine Yeatts provided an update of the agency related legislation of the 2004 Virginia General Assembly. She specifically addressed House Bill 159, House Bill 358,

House Bill 577, and Senate Bill 555. House Bill 577 will be placed on the Legislative/Regulatory Committee agenda for draft of emergency regulations.

Board of Health Professions

Mr. Jenkins, BHP representative for the Board asked the Board to review the minutes from the meeting, education committee, and the enforcement committee of January 12, 2004.

Request for Interpretation

Emily Wingfield asked Mr. Kotvas to provide the AG's response to the Board's request for Interpretation concerning the requirements for the presence of a funeral service licensee at burial site, at the June Board meeting

Cemetery Board

Ms. Young provided minutes of the January 28, 2004 Cemetery Board meeting.

Confidential Consent Agreement

Rev. Miles presented the recommendations from the Special Conference Committee concerning Confidential Consent Agreements. She provided a draft guidance document for the Board's review and approval. On a properly seconded motion by Ms. Hughes, the Board approved the CCA guidance document drafted by the SCC.

Examination Committee

Ms. Young informed the board of her meeting with Experior on Thursday, March 4, 2004. She also provided a copy of a letter sent to Experior and informed the Board of her discussions with the company. New items for the examination bank will be developed within the next two months.

OLD BUSINESS

Continuing Education Committee

Ms. Young provided to the Board a listing of approved sponsors. She recommended that the Continuing Education may want to consider allowing the Executive Director of the Board approve Continuing Education sponsors. Only those which she is unable to determine would she forward to the committee. The board agreed to continue its current approval procedures for CE provider applications. The Board also agreed not to amend its

current by-laws.

Ms. Young provided to the Board a letter from Thacker Brother's Funeral Home with several questions. Ms. Young has responded to the letter from Thacker Brother's. In regards to question 1 from Thacker Brother's Funeral Home:

1. Will video presentation be acceptable for us since it may not be possible for us to go out of town to attend a class? The answer was yes.

On a properly seconded motion by Ms. Hughes the board agreed that the 1st random audit for Continuing Education would include the 7 sitting licensed board members.

Legislative/Regulatory Committee Meeting

The board agreed to reschedule the Meeting for April 20, 2004. Some proposals for discussion include felony convictions, draft legislation from 2004, dual licensure, and emergency regulations. Ms. young informed the board that she mailed 2nd renewal notice letters to funeral establishments, crematories, courtesy card holders, and surface transportation and removal firms.

Report of the Initial and Renewal Applications of Waiver of Full-Time Manager Requirements

Ms Young provided to the board for general information a list of Waiver of Full-Time Managers.

EXECUTIVE DIRECTOR'S REPORT

Ms. Young presented licensee statistics, disciplinary statistics, budget information and the Board Calendar for next year.

OPEN FORUM

ADJOURNMENT

With all business concluded, the Board adjourned at 11:40 a.m.

**Virginia Board of Funeral Directors and Embalmers
General Board Meeting
March 9, 2004**

DRAFT

Bobby Gardner, President

Elizabeth Young, Executive Director

Date

Date