

APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF LEGISLATIVE/REGULATORY COMMITTEE

**Tuesday, April 20, 2004
6603 West Broad Street
Richmond, Virginia 23230
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 9:09 a.m.
- PRESIDING:** J. Michael Williams, Chair
- MEMBERS PRESENT:** Barry Murphy
Billie Watson Hughes
Skip Tharp
Joseph Jenkins, Jr,
- MEMBERS ABSENT:** Bobby Gardner, Sr.
- COUNSEL:** Jack Kotvas, Assistant Attorney General
- STAFF PRESENT:** Elizabeth Young, Executive Director
Elaine Yeatts, Sr. Policy Analyst
Aesha Brandy, Administrative Assistant
- QUORUM:** With five members of the Committee present, a quorum was established.
- GUESTS PRESENT:** Blair Nelsen, IFHV
Bruce Keeney, IFHV
Susan Motley, VFDA
Bob Oman, VFDA
Bud Oakey, VFDA
Paige Holloway, VFDA
Joseph Jenkins III., VMA
Frederick Carter, VMA
David Partridge, RSS, Inc.
- ORDERING OF AGENDA:** On a properly seconded motion by Mr. Murphy, the Committee moved to accept the agenda.
- PUBLIC COMMENT:** None
- HB 577:** Elaine Yeatts reviewed HB 577 which allows the Board to designate an individual to adjudicate discipline matters of an administrative nature or simple negligence cases, such as inspection violations. She informed the committee that the proposed regulations have not been finalized. HB

becomes effective on July 1, 2004, and regulations must be in effect by 12/9/2004.

Mr. Bruce Keeney and Mr. Fred Carter expressed concerns about what types of cases would be delegated to a subordinate to adjudicate. Ms. Yeatts responded that the Board would outline procedures in the proposed regulations.

**PROPOSED
LEGISLATION:**

2005 2005 Legislative Proposals

Ms. Young presented the **FDE#3** proposal to the Committee. The proposal was drafted in 2003 and submitted to DHP for the 2004 Virginia General Assembly. It was not included in the Governor's legislative package of 2004.

Mr. Keeney and Mr. Carter expressed opposition to amending 54.1-2810 and repealing 54.1-2816. Both individuals expressed the need to remind licensees of expired licenses.

On a properly seconded motion by Mr. Tharp, the Committees agrees to reinsert statement, "Upon expiration of the license, the Board shall notify each license of the provisions of this section", into 54.1-2810 and, to not repeal 54.1-2816. Also, the Committee recommends adding a statement regarding the electronic filing of renewal notices.

Ms. Young presented the **FDE#1** proposal which recreates dual licenses- funeral director and funeral embalmer. Mr. Blair Nelsen expressed support of the proposal citing shortage of funeral service licensees, the decline in funeral service graduates each year, and the restriction of access for licensure into profession by current law. Mr. Joseph Jenkins, III. expressed concern that the proposal is inconsistent with the current law and regulations governing continuing education. Mr. Oakey also expressed concern that the dual license may create a surplus of directors and a severe shortage of embalmers. Mr. Carter spoke about the former licensees prior to 1972 and how they lacked adequate education to practice funeral directing. Mr. Bud Oakey asked that the board not reintroduce dual licensure. He stated that he would ensure that each association submit a letter to Ms. Young for presentation to the Board at the June meeting. Mr. Tharp expressed his opposition

to some of the comments rendered. He stated that the Board needs to reflect what is occurring in the profession and examine what is cost effective to the consumer. He suggests that all funeral groups meet to further discuss the proposal.

On a properly seconded motion by Mr. Murphy, the Committee created the Task Force on Licensure and appointed the following individuals:

Barry Murphy, Board Member and Chair of Task Force,

Rev. Alane C. Miles, Board Member,

Ms. Billie Watson-Hughes, Board Member,

Mr. Barry Murphy, Board Member,

Mr. Fred Carter, VMA,

Ms. Susan Motley, VFDA,

Blair Nelson, IFHV,

Bob Oman, VFDA, and staff members: Elizabeth Young, Executive Director, and Elaine Yeatts, Senior Policy Analyst for DHP.

The Task Force will meet on May 19, 2004 at 10:00 a.m. to study the dual licensure issue. On a properly seconded motion by Hughes, the Committee recommends tabling FDE#1 for further study by the Task Force on Licensure.

Ms. Young presented the FDE#1 proposal which removes the absolute prohibition of applicants with felony convictions from the statute governing funeral service. Mr. Carter spoke about the large number of blacks incarcerated and with felony convictions and the shortage of blacks within the profession of funeral service. He also stated that if the felony law is relaxed, the Board needed to ensure that all conditions of sentence have been fulfilled prior to licensure.

Mr. Jack Kotvas, Assistant Attorney General presented information about different types of felonies and how the definition has changed over the years. On a properly seconded motion by Mr. Murphy the Committee recommends amending 54.1-2813 to the successfully fulfilled all conditions of sentencing prior to licensure of a convicted felon.

Mr. Tharp asked a question about mandating restitution of embezzled preneed monies to customers as a condition of sanction in a disciplinary proceeding. Ms. Yeatts stated

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that the Board does not have the authority for civil remedy such as restitution of funds. There was no action by the Committee on the issue

ADJOURNMENT:

With all business concluded, the Committee adjourned at 11:39 a.m.

J. Michael Williams, Chair

Beth Young, Executive Director

Date

Date