

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

**Tuesday, June 1, 2004
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1717
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 9:04 a.m.

PRESIDING: Bobby Gardner, Sr.

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

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Young Tisdale, Executive Director
Robert Nebiker, Director, DHP
Gail Jaspen, Chief Deputy Director, DHP
Elaine Yeatts, Sr. Policy Analyst, DHP
Pam Horner, Administrative Staff Assistant

COUNSEL PRESENT: Jack Kotvas, Assistant Attorney General

GUESTS: David Partridge, RSS, Inc.
Bruce Keeney, IFHV, Inc.

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

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

PUBLIC COMMENT: None

ACCEPTANCE OF MINUTES: On a properly seconded motion by Ms. Stelly, the Board moved to approve the Minutes of the Special Conference Meeting of October 28, 2003.

On a properly seconded motion by Mr. Miller, the Board

moved to approve the Minutes of the Board Meeting of March 9, 2004.

On a properly seconded motion by Ms. Hughes, the Board moved to approve the minutes of the Informal Conference of March, 2004.

On a properly seconded motion by Ms. Hughes, the Board moved to approve the minutes of the Legislative/Regulatory Committee Meeting of April 20, 2004.

On a properly seconded motion by Ms. Hughes, the Board moved to approve the minutes of the Task Force on Licensure Meeting of May 17, 2004.

NEW BUSINESS

Federal Trade Commission Request

I, Michael Williams, move that the Board of Funeral Directors and Embalmers convene in a Closed Meeting pursuant to Section 2.2-3711(A) (7) of the Code of Virginia for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Federal Trade Commission.

Additionally, I move that Board staff, Elizabeth Young, Pam Horner, Robert Nebiker, Gail Jaspin, Elaine Yates and Sarah Allen attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its consideration of this matter, which was unanimous.

All of those who certify, to the best of your knowledge that the members of the Board of Funeral Directors and Embalmers heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such, public business matters as were identified in the motion by which the closed meeting was convened, say "Aye" which was unanimous.

On a properly seconded motion by Ms. Hughes, the Board voted to strike Regulation 18 VAC 65-30-5-(C) from the Preneed Regulations by the most expedient method possible.

On a properly seconded motion by Mr. Murphy, the Board voted to delegate the Board President the authority to enter into the Consent Agreement on behalf of the Board with the Federal Trade Commission.

Response to Request for Interpretation

I, Barry Murphy, move that the Board of Funeral Directors and Embalmers convene in a Closed Meeting pursuant to Section 2.2-3711 (A) (7) of the Code of Virginia for consultation with and the provision of legal by the Assistant Attorney General in the matter of the Request for Interpretation.

Additionally, I move that Board staff, Elizabeth Young, Pam Horner, Robert Nebiker, Gail Jaspen and Elaine Yates attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its consideration of this matter.

All those who certify, to the best of your knowledge that the members of the Board of Funeral Directors and Embalmers heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such, public business matters as were identified in the motion by which the closed meeting was convened, say 'Aye" which was unanimous.

Election of Officers

On a properly seconded motion by Ms. Stelly, Joseph Jenkins was nominated as Secretary-Treasurer of the Funeral Board, which carried unanimously.

On a properly seconded motion by Mr. Jenkins, Jack Miller was nominated as Vice-President of the Funeral Board, which carried unanimously.

On a properly seconded motion by Ms. Hughes, Michael Williams was nominated as President of the Funeral Board, which carried unanimously.

Discussion of Adjudication Process

Members of the Attorney Generals Office, Frank Pedrotty, Senior Assistant Attorney General, James Schligman and Clay Garrett and the Agency's Administrative Proceeding Division, James Banning, Tammie Hall and Gayle Miller were present to discuss with the Board their concerns with the adjudication process for the Funeral Board.

I, Barry Murphy, move that the Board of Funeral Directors and Embalmers convene in a Closed Meeting pursuant to Section 2.2-3711 (A) (7) of the Code of Virginia for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of the Board's adjudication process.

Additionally, I move that Board staff, Elizabeth Young, Pam Horner, Robert Nebiker, Gail Jaspen and Elaine Yeatts attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its consideration of this matter.

All those who certify, to the best of your knowledge that the members of the Board of Funeral Director and Embalmers heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such, public business matters as were identified in the motion by which the closed meeting was convened say "Aye" which carried unanimously.

On a properly seconded motion by Ms. Hughes, the Board voted to submit a pre-NOIRA to address the responsibilities of the manager of record.

**Legislative/Regulatory
Committee:**

Adoption of Delegation Regulations and HB 577

Ms. Yeatts provided information on HB 577 and spoke specifically about the delegation statute. She also, reminded the Board about the emergency clause.

On a properly seconded motion by Ms. Hughes, the Board adopted emergency regulations for the delegation to an agency subordinate to implement provision of HB577 of the 2004 General Assembly and to approve a NOIRA for replacement of the rules.

2005 Legislative Package

On a properly seconded motion by Mr. Miller, the Board adopted its 2005 Legislative Proposal to be submitted to the DHP.

Report of Task Force Licensing

Ms. Hughes asked the Board to review the minutes of the May 17, 2004 meeting. The Task Force recommended continued study of dual licensure and will meet again in July 2004.

Adoption of NOIRA

On a properly seconded motion by Ms. Hughes, the Board voted to proceed with the NOIRA to address responsibilities of Manager of Record.

Report from International Conference

Ms. Hughes reported on the convention of the International Conference. She said there was a mandatory meeting of the Executive Directors on the first day. Ms. Hughes also stated that H&R Block administers the examination and it will cost \$350 to take the examination. She also mentioned in 2002 fifty-one graduates took the exam and in 2003 fifty-seven graduates took the exam. Ms. Hughes stated that the examination is going from paper and pencil to computer based testing. The Board asked Ms. Young to offer to host the next District I meeting of the International Conference.

Board of Health Professions

Mr. Jenkins asked the Board to review the minutes of the Board of Health Professions meeting of April 15, 2004

Waiver of Full-Time Manager Requirement Report

Ms. Young provided the quarterly report of the list of current funeral homes under the waiver of full-time manager requirement.

EXECUTIVE DIRECTOR'S REPORT

**Virginia Board of Funeral Directors and Embalmers
General Board Meeting
June 1, 2004**

Ms. Young provided the monthly statistics of licensees and disciplinary cases. She also provided the expenditures/revenues report for the period ending April 30, 2004. Lastly, she asked the Board to review the changes in the Board calendar.

Ms. Young asked the Board to consider at its next meeting the repeal of approving continuing education providers. She expressed her concerns regarding the enormous costs associated with the licensing and adjudication of some applications.

Mr. Gardner and Mr. Miller were presented Board plaques for years of service to the Board.

ADJOURNMENT

With all business concluded, the Committee adjourned at 1:40 p.m.

Bobby Gardner, Chair

Elizabeth Young, Executive Director

Date

Date