

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

**Tuesday, December 7, 2004
6603 West Broad Street, 5thFloor
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 9:03 a.m.

PRESIDING: J. Michael Williams

MEMBERS PRESENT: Billie Watson Hughes
Joseph Jenkins, Jr.
Rev. Alane C. Miles
Barry Murphy
Pratt P. Stelly
W.D. "Skip" Tharp
Robert Burger, Jr.
Randy Minter

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Young, Executive Director
Elaine Yeatts, Sr. Policy Analyst, DHP
Jeanette Meade, Administrative Staff Assistant

COUNSEL PRESENT: Jack Kotvas, Assistant Attorney General

GUESTS: Meredyth Partridge, RSS, Inc.
Paige Holloway, Advantus Strategies, Inc.
Bruce Keeney, IFHV

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

ORDERING OF AGENDA: On a properly seconded motion by Mr. Minter, the Board approved the agenda with a change in the order that was lead by Ms. Young.

PUBLIC COMMENT: None

ACCEPTANCE OF MINUTES: On a properly seconded motion by Mr. Tharp, the Board approved the Minutes of the Special Conference Committee Meeting of February 25, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the Minutes of the Special Conference

Committee Meeting of July 27, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the minutes of the Board Meeting of September 7, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the minutes of the Special Conference Committee meeting of September 20, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the minutes of the Board Retreat October 5, 2004.

NEW BUSINESS

Conflict of Interest Training

Jack Kotvas, Assistant Attorney General, provided conflict of interest training for the Board and members of the staff.

Recommendation of Board Retreat

Resident Trainee Program

Elizabeth Young, Executive Director reviewed the recommendation of the retreat participants:

- Amend time period of resident trainee program to 12 months
- Add cremation requirements for resident trainee program
- Revise the resident trainee reporting form,
- Examine requirement for education prior to resident trainee program
- Review other states' program and
- Seek to collaborate the program with the education requirements of the mortuary schools.

On a properly seconded motion by Mr. Tharp, the Board voted to appoint an Ad HOC Committee on Resident Trainee Program and Education, submit a notice of intended regulatory review and revise a better reporting form.

Dual Licensure

Barry Murphy stated that there is no true position or consensus about the subject. There was no further discussion by the Board.

Continuing Education

On a properly seconded motion by Ms. Miles, the Board agreed to make a note on the renewals as to what is an accepted continuing education unit (CEU).

On a properly seconded motion by Ms. Stelly, the Board voted to recommend revision of continuing education regulations to Legislative/Regulatory Committee.

Manager of Record

On a properly seconded motion by Mr. Tharp, the Board agreed to refer the needed changes to the manager of record statute to the Legislative Regulatory Committee.

Inspections

On a properly and seconded motion by Mr. Minter, the Board agreed to amend guidance document to include recommendations that came from the inspectors at the October 5, 2004 Board Retreat.

Development of a Guidance Document from the Assistant Attorney General Interpretation

On a properly and seconded motion by Mr. Burger, the Board agreed to accept the second sentence which states; "The presence of a funeral service licensee shall not be required at the viewing of dead human remains at a funeral service establishment as long as such licensees are in general supervision of the viewing".

On a properly and seconded motion by Ms. Miles, with a vote of 7 to 1, with Rev. Miles voting for the motion. It failed regarding the first part of the sentence which stated, "a funeral service licensee shall be present at the time of the burial of dead human remains or burial of cremated human remains". The Board agreed that more review was needed with this statement and there is a possible need to define burial.

Ad Hoc Committee on Death Certificates of the Board Of Medicine

The next meeting of the Ad Hoc Committee on Death Certificates of the Board of Medicine will be held on January 7, 2005 at 2:00 p.m. Elaine Yeatts, Sr. Policy Analyst informed the Board that nurse practitioners may sign off on the death certificates as long as the physician has made the determination of death, the Board agreed that this will be a good aid to them so that they can move forward with their funeral procedures. The Board also, agreed that creation of an on-line course for doctors from the Department of Vital Records would be good, especially to give doctors ceu credit.

HB 1554

HB 1554 permits a funeral service establishment to accept a dead human body without having first inquired about the desires of the next of kin and the persons liable for the funeral expenses of the decedent from a sheriff with a judicial order for disposition of the body and, when appropriate, the necessary certification of the medical examiner to cremate. The Board voted to support the intent of the legislation with some added language of annuity for the funeral home.

HB 1553

Authorizes the named beneficiary of record of an individual life insurance policy to designate one or more persons to receive all or a portion of the proceeds of the policy to which the beneficiary is entitled, unless otherwise prohibited by law or the terms of the policy. The insurer shall honor such designation if it is in writing, signed by the beneficiary, attested by a notary public, and received by the insurer prior to paying the proceeds to the beneficiary. On a properly seconded motion by Mr. Murphy, the Board voted to not take a position on the bill.

Continuing Education Committee

The Board reviewed the letter and assessment form.

Board of Health Professions Meeting of October 21, 2004

The Board of Health Professions suggested licensure of assisted living directors.

Cemetery Board

The Board reviewed the minutes from the October 12, 2004 meeting. All questions for the Board, please submit to Ms. Young for the possible joint meeting of March 2005 meeting

International Conference Annual Convention

The conference will be held on April 9-10, 2005. On a properly seconded motion the Board approved for Ms. Young and Ms. Hughes to be representatives for the Virginia Board.

OLD BUSINESS

FTC Consent Order Requirement

Ms. Young stated that the following has been completed as required by the consent order:

- Mailed consent order to all licensees
- Place consent order and notice on website of the Board
- Mailed month consent orders to new licensees.

She further stated that the newsletter will be published by January 3, 2005.

Legislative/ Regulatory Committee

On a properly and seconded motion Mr. Tharp, proposed that the Board adopt the proposed delegation regulation.

Elaine Yeatts, Sr. Policy Analyst for DHP reviewed the delegation regulations. Also, Ms. Yeatts stated, the notice of intended regulation to amend the regulations regarding the manager of record will be submitted after the Board's meeting today.

EXECUTIVE DIRECTOR'S REPORT

Ms. Young provided the disciplinary, licensee and budget reports for the Board's review.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:45 p.m.

J. Michael Williams, Chair

Elizabeth Young, Executive Director

Date

Date