

APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF BOARD MEETING

Tuesday, June 5, 2007

**Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230
Conference Room 1**

CALL TO ORDER

A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 10:03 a.m.

PRESIDING

Barry Murphy, President

MEMBERS PRESENT:

Billie Watson Hughes
Randolph T. Minter
Walter S. Ball
Rev. Yvonne Jones Bibbs
Willard D. Tharp
Blair H. Nelsen
Robert B. Burger, Jr.
Michael Leonard

COUNSEL:

Jack E. Kotvas, Assistant Attorney General

STAFF PRESENT:

Elizabeth Young, Executive Director
Sandra Ryals, Director
Emily Wingfield, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Jeanette Meade, Administrative Assistant

QUORUM:

With eight members present, a quorum was established.

GUESTS PRESENT:

Barry D. Robinson, Virginia Mortuary Association
Bruce Keeney, Independent Funeral Homes of Virginia
Bo Keeney, Independent Funeral Homes of Virginia
Meredyth Partridge, Regulatory Support Services Inc.

ORDERING OF THE AGENDA:

The Board voted to approve the agenda with amendments.

REVIEW OF MINUTES

Mr. Minter made a motion to approve the minutes of the Special Conference Committee of January 25, 2007. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

Ms. Hughes made a motion to approve the minutes of the Special Conference Committee of January 29, 2007. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Mr. Tharp made a motion to amend and approve the minutes of the Task Force on Cremation Laws and Regulations of March 13, 2007. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

Mr. Tharp made a motion to amend and approve the minutes of the Board meeting of March 13, 2007. The motion was properly seconded by Mr. Ball. The vote carried unanimously.

Mr. Minter made a motion to approve the minutes of the formal hearing of March 13, 2007. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Mr. Tharp made a motion to approve the minutes of the Legislative/Regulatory Committee meeting of March 28, 2007. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

PUBLIC COMMENT:

There was no public comment.

NEW BUSINESS

Election of Officers

Ms. Hughes nominated Mr. Leonard as Secretary-Treasurer of the Board. The nomination was properly seconded by Mr. Minter. The Board voted unanimously to elect Mr. Leonard as Secretary-Treasurer.

Ms. Hughes nominated Mr. Minter as Vice-President of the Board. The nomination was properly seconded by Mr. Burger. The Board voted unanimously to elect Mr. Minter as Vice-President

**Virginia Board of Funeral Directors and Embalmers
Board Meeting
June 5, 2007**

3

Mr. Burger nominated Mr. Tharp as President of the Board. The nomination was properly seconded by Ms. Hughes. The Board voted unanimously to elect Mr. Tharp as President.

Virginia Performs

Sandra Ryals, Director of DHP provided a report of the agency and Board's Key Performance Measures as mandated by Governor Kaine. Please see the attached handout.

Enforcement Presentation

Faye Lemon, Director of Enforcement, Sammy Johnson, Deputy Director of Enforcement, and Shannon Robertson, Case Intake Specialist spoke about discipline case trends for the Board. Ms. Lemon reminded the Board of the current standards for the agency of 280 days, but it will only be reported for patient care cases. Ms. Lemon suggested that the Board examine the investigative process regarding preneed cases. She suggested that the case review occur in Phase I or during the probable case review. She asked if the Board could provide guidance in what to investigate and what to send to SCC for input. On a properly seconded motion by Mr. Tharp, the Board voted to draft a probable cause review document for investigators and to have the AG's office to review. In a related matter, Mr. Nelsen suggested that the Board needs to seek a memorandum of understanding with the Bureau of Insurance to share insurance complaint information.

Also, Ms. Wingfield stated that effective July 1, 2007, a law becomes effective regarding restrictive summary suspensions.

Continuing Education Guidance Document

Ms. Yeats asked the Board for its goal regarding continuing education for its licensees. Mr. Leonard described his initial review of some of the provider applications noting that some applications do not have all supporting documents or have been given a blanket approval in the past.

With a properly seconded motion by Mr. Tharp, the Board voted that all preneed insurance courses needed to maintain the insurance license are not acceptable for continuing education hours for the Board of Funeral Directors and Embalmers. With a properly seconded amendment to this motion by Mr. Minter, the Board voted to allow 2 of the 16 hours related to law and ethics. Ms. Hughes voted against the motion. With a properly seconded motion by Mr. Burger, the Board approved the motion.

With a properly seconded motion from Mr. Tharp, the Board voted to submit a NOIRA to amend the continuing education requirements for additional criteria for coursework

**Virginia Board of Funeral Directors and Embalmers
Board Meeting
June 5, 2007**

4

approval. Also, the review will consist of examining the number of hours to be counted for each course, but not limited to those in an interactive environment, how many hours to be limited and limiting the number of hours from insurance certification courses.

Inspection Guidance Document

The Board tabled its discussion of the inspection guidance document until the next full board meeting.

Task Force on Cremation Laws and Regulations

The Board reviewed the draft NOIRA and the advice from its AG. With a properly seconded motion by Mr. Leonard, the Board voted to submit a NOIRA to amend its crematory regulations.

International Conference of Funeral Service Examining Boards

Ms. Hughes and Ms. Young provided a brief overview of the annual convention in Tennessee. Ms. Young provided a workshop on DHP's Disciplinary Processes for the Association of Executives of Funeral Service Board. Ms. Hughes described the various workshops and was elected Vice-President of the Conference. The Conference will no longer hold joint meetings with the American Board of Funeral Service Education. The next convention will be in San Antonio in February 2008.

Board of Health Professions

Ms. Hughes provided a summary of the meetings on April 9, 2007 and April 20, 2007.

Cemetery Board

Ms. Young provided the meeting minutes for IFC held on March 15, 2007, May 8, 2007 and May 10, 2007.

OLD BUSINESS

LEGISLATIVE/REGULATORY COMMITTEE

Ms. Young stated that the public hearing on the proposed general regulations will be June 26, 2007. With a proper seconded motion by Ms. Hughes, the Board voted to adopt fast-track regulations for the Public Participation Guidelines. Ms. Yeatts advised the Board that it needs to do a period review of its preneed regulations. With a properly seconded motion by Mr. Leonard, the Board voted to submit FDE-2 as part of its 2008 legislative proposal.

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

The Board reviewed the quarterly report of the firms under the waiver of full-time manager requirements.

Executive Director's Report

Disciplinary Statistics

Budget

Ms. Young discussed the list of expenditures/revenue for the period ending April 30, 2007.

Board Calendar

Ms. Young presented the Board's calendar for the 2007 year.

ADJOURNMENT:

With no further business, the committee adjourned at 1:44 p.m.

Barry Murphy, Chair

Elizabeth Young, Executive Director

Date

Date