

UNAPPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, April 19, 2016 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

BOARD MEMBERS PRESENT

Connie B. Steele, FSL, President
R. Thomas Slusser, Jr., FSL, Vice-President
J. Paul Welch, III, FSL, Secretary-Treasurer
Louis R. Jones, FSL
Blair Nelsen, FSL
Frank Walton, FSL
Larry T. Omph, FSL
Junius H. Williams, Jr., Citizen Member
Ibrahim A. Moiz, Esq., Citizen Member

DHP STAFF PRESENT

Lisa R. Hahn, Agency Chief Deputy Director
Lynne Helmick, Deputy Executive Director, Discipline
Missy Currier, Deputy Executive Director, Licensing
David Brown, Agency Director

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM

With 9 members present a quorum was established.

GUESTS PRESENT

Paul Harris, Regulatory Support Services, Inc.
Bo Keeney, IFHV

CALL TO ORDER

Connie Steele, President called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:03 a.m.

ORDERING OF AGENDA

The agenda was accepted as presented.

ACCEPTANCE OF MINUTES

Upon a motion by Louis Jones and properly seconded by Ibrahim Moiz, the board voted to accept the following Meeting Minutes:

- Board Meeting – January 12, 2016

The motion passed unanimously.

INFORMAL CONFERENCES

The board acknowledged that one informal conference was held on January 12, 2016.

PUBLIC COMMENT PERIOD

No public comment was provided.

DIRECTOR'S REPORT – Dr. David Brown, D.C.

Dr. Brown briefed the board on the extremely busy 2016 General Assembly Session he had on behalf of DHP bills as well as working with stakeholders on various issues.

DEPUTY DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn stated that following the conclusion of her report, Missy Currier would provide the licensure report and Lynne Helmick would provide the discipline report.

Expenditure and Revenue Summary

FY16 Budget

- | | |
|---------------------------------------|--------------------|
| • Cash Balance as of June 30, 2015 | \$ (40,742) |
| • YTD FY16 Revenue | 364,630 |
| • Less direct & In-Direct expenditure | <u>356,432</u> |
| • Cash Balance on February 29, 2016 | \$(32,544) |

Ms. Hahn concluded she was pleased to report that the board should be back in the black by the end of the 2016 fiscal year.

Board Business

Bifurcation of licensure

Due to insufficient time for the Board of Health Professions (BHP) to design the survey and customize it to the board's needs the survey was not implemented during the 2016 renewal cycle. However, BHP plans to

send a separate survey later this spring or early summer and will report their findings to Kenneth Alexander and the Board.

John Tyler Community College Update

We received an email from Dr. Johanna Weiss, Dean of Mathematics, Natural and Health Sciences, John Tyler Community College re-affirming that JTCC plans to continue with its Funeral Services Program.

Maryland Board of Morticians Update

The Maryland AG issued an advisory letter stating that “current law exempts out-of-state funeral establishments from the regulation of transport services.”

2016 Legislative Session

Ms. Hahn provided an overview on the following 2016 Bills contained in the agenda packet:

HB319; HB462; HB499; HB 586

Death Certificate Updates

VDH is enforcing the law regarding only funeral directors licensed in VA or with a VA courtesy card are allowed to file death certificates in VA.

We posted an announcement on our website regarding Death Certificates must be filed within 3 days. No exceptions. OCME have been discovering several cases where pending DCs were never filed. The Board understands that issues still remain with electronic death certificates particularly with the limited numbers of physicians who are signing up.

Ms. Hahn stated that she would have another conversation with Scott Johnson and a representative from the Medical Society of Virginia to perhaps generate a joint letter to the physicians. Ms. Hahn added that the board is trying to be a conduit to facilitate the issue and will keep the board updated.

The Conference – Exam Updates

As of January 1, 2016, NBE candidates will be able to obtain exam results immediately following the exam at the testing center.

Retake policies have also changed whereby Candidates may sit for the exam up to 3 times only in one calendar year and there is a 90 day wait period in between exams. Because of these changes, Staff has been receiving several intern extension requests from those who have failed to pass the exam.

Annual Meeting – The Conference

Lynne Helmick & Blair Nelsen attended The International Conference of Funeral Service Examining Boards (ICFSEB) Annual Meeting in February in Newport Beach, California and they will report during New Business.

2016 Calendar

- May 2, 2016 – 2 Formals
- June 3, 2016 – 1 Formal
- July 12th – Board Meeting
- October 18th – Board Meeting

Licensure Report – Missy Currier

Statistics (as of 04/01/16)

Branch Establishments –73
Continuing Education Providers – 24
Courtesy Card Holders -87
Crematories – 109
Embalmer only – 3 Funeral Director –47
Funeral Supervisors - 473
Funeral Establishment – 439
Funeral Service Licensee’s – 1,560
Funeral Intern – 226
Surface Transport and Removal Services – 50
Total – 3,091

Customer Satisfaction Survey Reviews (QTR2, FY16)

- **100%** - Great job to all licensing staff but especially Vicki Saxby the Program Manager for the board.

Licensing Notes

Ms. Currier reported that the renewal cycle went smoothly this year. As of April 15th, 2,317 of all license types had renewed and 210 had not renewed and 95 FSL’s had not renewed. Several licensees indicated they were retiring and would not be renewing.

Staff was excited to report that more licensees are taking advantage of online renewals. This year, of the 1447 FSL’s that renewed, 1154 renewed online and 293 licensees renewed by mail.

Since our January 12, 2016 meeting we have:

Issued 54 licenses and processed 228 Fees (both numbers include all types)

Current Staff Project:

Scanning of all establishment files directly into our licensing software system (MLO). We have lots of files, lots of paper, and lots of information taking up a lot of space. Arduous project but the outcome will be well worth the effort.

Our next step will be to work on the implementing online applications. Our goal will be to have running by the end of this year however, a lot of work and coordination is involved with our IT Department so we cannot promise the deadline.

Random CE audit letters will be issued by the end of April and the audit process will begin.

Discipline Report - Lynne Helmick

Disciplinary Statistics

q **46 total open cases**

23 - in Investigations

10 – in Probable Cause

8 - in APD

2 – Informal (will be heard today)

3 – Formals (continuances granted)

q **9 Orders are being monitored for Compliance**

q **For comparison – 1/4/16**

30 investigations, 6 probable cause, 0 APD, 1 informal, 2 formals

Scheduled Hearings

q 1 IFC today

- Another was scheduled for today but a continuance was granted
- Possible IFCs in June

q 2 Formal hearings on May 2, 2016

q 1 Formal hearing on June 3, 2016

Key Performance Measures

q Q2 2016

- Received 20, closed 19
- Average time to close was 190.7 (Agency average was 190.8)
- % closed in 250 days was 88.2% (Agency average was 85.8%)

NEW BUSINESS

Guidance for processing Applications for Licensure – Lisa R. Hahn & Lynne Helmick

The Board reviewed draft language for processing applications as a new guidance document. Since it was determined that the draft required a few format and citation changes, the board deferred the review until the next full meeting.

Report on Annual Meeting of the Conference – Blair Nelsen and Lynne Helmick Maryland Board of Morticians

Lynne reported she was a participant on the discussion panel for “System Automation: Capabilities, Implementation, and Maintenance” and that she also serves on the Conference’s Model Application Committee.

Blair Nelsen shared that Craig Tregillus from the Federal Trade Commission (FTC) gave a presentation and mentioned that FTC sends volunteers as undercover shoppers to funeral establishments for possible violations. Mr. Nelsen reported that most of the volunteers are from AARP, and the Funeral Consumers Alliance who may be very critical of the profession. Mr. Nelsen concluded that the FTC mentioned they will be conducting a Regulatory Review of the Funeral Rule in 2017.

PRESENTATION OF PLAQUE:

Ms. Hahn presented Blair Nelsen with a plaque to honor his eight years of service to the Commonwealth of Virginia as a member of the Board of Funeral Directors and Embalmers.

ADJOURNMENT:

The board concluded the meeting at 11:30 am

Connie B. Steele, President

Lisa R. Hahn, Executive Director

Date

Date