

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory and Regulatory Authority.

The Virginia Board of Funeral Directors and Embalmers (“Board”) is established and operates pursuant to Sections 54.1-2400 and 54.1-2800 et seq., of the Code of Virginia. Regulations promulgated by the Board may be found in 18 VAC 65-20, Chapters 11, 20, 30, and 40.

B. Duties.

The Board is authorized to license individuals and establishments providing funeral and/or embalming services, to regulate and inspect funeral establishments and crematories, to supervise programs for funeral service interns, to regulate preneed funeral contracts and preneed funeral trust accounts, to register crematories, and to promulgate regulations to improve and promote standards of service and practice and otherwise carry out the licensing act.

C. Mission.

The mission of the Department of Health Professions is to ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

ARTICLE II: THE BOARD

A. Members and Duties.

1. The Board consists of nine members appointed by the Governor in accordance with Virginia Code § 54.1-2802.
2. Members shall attend all scheduled meetings of the Board and the committee(s) on which they serve unless prevented by illness or similar unavoidable cause. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member’s continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

3. Members of the Board shall not hold a voting office in any related professional association within the Commonwealth of Virginia or one that takes a policy position on the regulations of the Board. Members of the Board holding office in a national professional association shall abstain from voting on issues where there may be a conflict of interest present.

B. Election of Officers.

1. The organizational year for the Board shall be from July 1st through June 30th.
2. During the first meeting of the organizational year, the Board shall elect from its members a President, Vice-President, and Secretary-Treasurer.
3. The term of office shall be one year; an officer may be re-elected in that same position for a second consecutive term.
4. Nominations for office shall be received from the floor and elections conducted by voice vote; election shall require a majority of the quorum of members present.
5. A vacancy occurring in any office shall be filled during the next meeting of the Board.

B. Duties of Officers.

1. The President presides at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act, and requires adherence of it to those rules on the part of the board members. The President shall appoint all committees and committee chairpersons unless otherwise ordered or delegated by the Board.
2. The Vice-President shall act as President in the absence of the President.
3. The Secretary-Treasurer shall perform those duties necessary and usually pertaining to such office and shall preside in the absence of the President and the Vice-President.
4. In the absence of the President, Vice-President and Secretary-Treasurer, the President shall appoint another board member to preside at the meeting and/or formal administrative hearing.

C. Duties of Executive Director.

The Executive Director shall be the custodian of all Board records and all papers of value; shall preserve a correct list of all applicants and licensees; shall manage the correspondence of the Board; and shall perform all such other duties as naturally pertain to this position.

ARTICLE III: MEETINGS.

A. For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting, with the exception that the Board shall hold at least two meetings each year pursuant to Virginia Code § 54.1-2802.

B. Board members shall attend all board meetings in person, or by electronic means as permitted by law and Board policy, unless prevented by illness or similar unavoidable cause. A majority of the members of the Board shall constitute a quorum for the transaction of business.

C. The current edition of Robert’s Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed. §

D. The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Approval of minutes.
3. The Executive Director and the President shall collaborate on the remainder of the agenda.

ARTICLE IV: COMMITTEES

A. Standing Committees:

1. Special Conference Committee.

The committee shall consist of at least two board members. The committee shall hold informal conferences for licensee and applicant cases in accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the Code of Virginia with the right to change the date or cancel any meeting. The committee shall meet as necessary to adjudicate cases in a timely manner in accordance with agency standards for case resolution. The President may designate two additional board members as alternates on this committee who may be contacted to serve in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the

level that additional special conference committees are needed, the President may appoint additional committees.

2. Examination Committee.

The committee shall consist of three board members, two funeral service licensees and one citizen member. The committee shall meet as required for the purpose of writing new items for the jurisprudence examination to maintain the integrity, defensibility and current status of the examination for the purpose of licensure.

3. Credentials Committee.

The committee shall consist of at least two board members. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations. The committee member who conducted the initial review shall provide guidance to staff on action to be taken. The Credentials Committee shall not be required to meet collectively to conduct initial reviews.

4. Legislative/Regulatory Committee.

The committee shall consist of at least three Board members. The committee is responsible for the development of proposals for new regulations or amendments to existing regulations; the recommendation in response to a petition for rulemaking; the development of proposals for legislative initiatives of the Board; the consideration of and recommended response to public comment as required in conjunction with rulemaking; the conduct of the required periodic review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations. Any proposed draft regulation or draft legislation shall be reviewed and approved by the full Board prior to publication.

5. Continuing Education Committee.

The committee shall consist of at least two board members. The members of the committee shall review requests from licensees for exemptions from continuing education requirements, from applicants for approval as funeral service continuing education providers and for approval of courses, and other matters related to continuing education. The Board delegates the approval of funeral service continuing education programs to the committee.

B. Ad Hoc Committees:

There may be Ad Hoc Committees consisting of at least two persons who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise or make recommendations for consideration by the Board.

ARTICLE V: GENERAL DELEGATION OF AUTHORITY

A. Delegation to Executive Director, Board staff, and/or Department of Health Professions staff.

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum statutory and regulatory qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action unless specified in the Board order.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms, and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director, who shall consult with a member of the Board, the authority to review information regarding alleged violations of law or regulations and determine whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
8. The Board delegates to the Department of Health Professions' inspectors the authority to issue a Compliance Notice upon completion of an inspection, and the Board delegates to the Executive Director the authority to issue letters regarding reported deficiencies to the facilities or licensees.

9. The Board delegates to the Executive Director the review and approval of hardship waiver applications. Should the Executive Director receive a non-routine application regarding the waiver provision, the application may be reviewed for approval by the Credentials Committee.
10. The Board delegates to the Executive Director, the authority to approve applications with criminal convictions in accordance with Guidance Document 65-3.
11. The Board delegates to the Executive Director the authority to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(G), when a probable cause review indicates a disciplinary proceeding will not be instituted.
12. The Board delegates to the Executive Director the authority to offer a confidential consent agreement or a Consent Order for action consistent with any board-approved guidance document, or to negotiate a Consent Order in consultation with the chair of a Special Conference Committee or formal hearing.
13. The Board delegates to the Executive Director the authority to grant an individual extension for good cause shown for up to one (1) year for the completion of education requirements upon written request from the licensee prior to the renewal date.
14. The Board authorizes the Executive Director to delegate tasks to the Deputy Executive Director.

B. Delegation to Board President.

The Board delegates to the President the authority to represent the Board in instances where Board “consultation” or “review” may be requested, where a vote of the Board is not required, and where a meeting is not feasible.

C. Delegation to Agency Subordinate.

The Board may delegate an informal fact-finding proceeding to any agency subordinate in accordance with 18VAC65-20-15 of the Regulations of the Board of Funeral Directors and Embalmers.

ARTICLE VI. AMENDMENTS

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any regularly scheduled meeting of

the Board. Such proposed amendment shall be adopted upon favorable vote of at least two-thirds of the Board members present at said meeting.