

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, July 14, 2015 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT

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

BOARD MEMBER ABSENT

Ibrahim A. Moiz, Esq., Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Lisa R. Hahn, Executive Director
Missy Currier, Deputy Executive Director, Licensing
Dr. David Brown, DC, Agency Director
Elaine Yeatts, Senior Policy Analyst

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM

With 8 members present a quorum was established.

GUESTS PRESENT

Dianne Rencsok
Paul Harris, Regulatory Support Services, Inc.
W. Scott Johnson, First Choice Consulting
Karen Howell McPherson
Abbey Shepperson, VFDA
Barry D. Robinson, VMA
Bruce Keeney, Sr., IFHV
Bo Keeney, IFHV

CALL TO ORDER

Connie Steele, Vice-President called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:35 a.m. and asked the members to introduce themselves.

ORDERING OF AGENDA

The agenda was accepted as presented.

ACCEPTANCE OF MINUTES

Upon a motion by Louis R. Jones and properly seconded by Tommy Slusser, the Board voted to accept the following Meeting Minutes:

- Board Meeting – April 14, 2015
- Formal Hearing – April 14, 2015

The motion passed unanimously.

INFORMAL CONFERENCES

The board acknowledged that three informal conferences were held on June 24, 2015.

PUBLIC COMMENT PERIOD

Dianne Rencsok from Christiansburg, Virginia and a member of the Funeral Consumers Alliance (FCA) of the Virginia Blue Ridge requested that the board repeal Guidance Document 65-8 Sale of Caskets. Ms. Rencsok explained that FCA seeks ways to improve their citizens' access to free choice concerning funerals and end of life decisions. She made reference to Virginia and National legal references in her commentary. The board thanked Ms. Rencsok for her comment.

W. Scott Johnson as General Counsel to the Medical Society of Virginia wanted to update the board on recent meetings he had with Janet Rainey from Vital Statistics on the EDRS Program which the following would hopefully be good news to the board:

- The redundancy in signing two enrollment agreements in paper form will finally be eliminated so that individuals can enroll in the program electronically.
- Hopefully by the end of July, the training module will be able to be completed on line and will last approximately 16 minutes.
- Ms. Rainey and Mr. Johnson have been traveling to hospitals to increase awareness and to get the doctors signed up for the program.
- Ms. Rainey has been pro-active in Educating Physicians having recently spoken at the Medical Group Managers and she is slated to speak to the Virginia Chapter of Emergency Physicians and attend the Medical Society Annual Meeting in October.
- If you run into problems, please let Mr. Johnson know as problems cannot be fixed if they are not aware of them.

The board thanked Mr. Johnson for his news.

AGENCY DIRECTORS REPORT– Dr. David Brown, DC

Dr. Brown welcomed Frank Walton, Larry Omgs, and Blair Nelsen as the newly appointed members and thanked them for being on the board.

Dr. Brown then provided the following Agency news:

- The Governor’s Task Force on Prescription Drugs met several times since November 2014 and made several recommendations which some have already been implemented. September 21st will be the last meeting followed by a big Conference in Roanoke in November 2015.
- Dr. Brown provided a brief update on the Health Practitioners Monitoring Program (HPMP) which helps impaired health professionals safely return to practice.
- Upcoming Meetings:
 - Board Member Training – Understanding Your Role – September 28th
 - New Board Member Orientation – October 16th

Board Member Tommy Slusser commented on what a great program the Board Member Training was.

EXECUTIVE DIRECTOR’S REPORT – Lisa R. Hahn

Expenditure and Revenue Summary

FY15 Budget

• Cash Balance as of June 30, 2014	\$(242,833)
• YTD FY15 Revenue	776,255
• Less direct & In-Direct expenditure	<u>563,143</u>
• Cash Balance on May 31, 2015	\$ (29,721)

Ms. Hahn highlighted that Dr. Brown had been extremely instrumental in getting the regulations for the fee increase approved. She thanked the work of the board members, administration and Dr. Brown for their hard work through a painful process.

Dr. Brown added that the budget deficit was not a result of poor management but rather great management as Ms. Hahn made several cost cutting measures during these times and has certainly helped to minimize the debt. He furthered that the deficit results were from expenses beyond the boards control such as high external technology costs and the high costs to adjudicate complicated cases.

Discipline Statistics (as of 07/14/2015)

- 29 open cases
- 19 are in Investigations
- 4 in Probable Cause
- 3 in APD
- 3 Informal
- 0 Formals
- 15 Orders are being monitored for Compliance

Ms. Hahn explained in detail the various disciplinary stages.

Licensee Statistics (as of 07/14/15)

- Branch Establishments –68
- Continuing Education Providers – 27
- Courtesy Card Holders -71
- Crematories – 105
- Embalmer only – 4
- Funeral Director –46 Funeral Supervisors - 447
- Funeral Establishment – 439
- Funeral Service Licensee's – 1,505
- Funeral Intern – 197
- Surface Transport and Removal Services – 45
- Total – 2,953

Virginia Performs

3rd Quarter 2015:

- Licensing Standard less than 30 days – 100%
- Clearance Rate-100% (rec'd 4 – closed 4)
- Pending Caseload older than 250 days- 14% (1 case)
- % of cases closed within 250 days- 75%
- Customer Satisfaction – 98.33% (Q3 FY 2015)

Ms. Hahn stated how she continues to be proud of her staff for all their hard work and dedication and high level of customer service.

Presentations

- Lynne Helmick – VMA Annual Conference in Hampton, VA, June 29th

Board Business

Ms. Hahn shared the following with the board:

- Board of Health Professions is conducting study on Bifurcation of licensure – a public hearing was held and Paul Welch will provide a report under New Business.
- Board Member Development Day – September 28th
 - Will provide more in-depth training on conducting meetings and hearings
- Board Member Orientation – October 16th
 - Particularly for new board members
- Meeting held with VDH
 - Erin Barrett-Board's counsel, Lynne Helmick and Ms. Hahn met with Janet Rainey and her Assistant Attorney General to discuss who can sign death certificates.
 - It was reiterated to VDH from the AG's office that only a VA licensed funeral director can sign, not out of state person unless they have a Courtesy Card. (or NOK taking custody of the body). Refer to Section 32.1-263B

Federal Trade Commission (FTC)

- Federal Trade Commission – changes two disclosures: www.business.ftc.gov (April 2015)
 - Embalming – “Except in certain special cases” must be deleted from the disclosure.
 - Outer Burial Containers – “In most areas of the country” must be deleted from the disclosure

We will discuss the Guidance Document to incorporate the changes during New Business

2015 Board Meeting Calendar

n October 20th – last meeting scheduled for 2015

NEW BUSINESS

Regulatory Report – Elaine Yeatts – Ms. Yeatts provided the status below and stated there were no issues for regulations other than they had not yet been approved.

Board of Funeral Directors and Embalmers					
Chapter	Action / Stage Information				
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	<table border="1"> <tr> <td><u>Action:</u></td> <td>Identification of human remains</td> </tr> <tr> <td><u>Stage:</u></td> <td>Final - <i>At Secretary's Office – 53 days</i></td> </tr> </table>	<u>Action:</u>	Identification of human remains	<u>Stage:</u>	Final - <i>At Secretary's Office – 53 days</i>
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§ 54.1-2819. Registration of Surface transportation and removal services

Ms. Yeatts explained to the board that they would need to approve regulations in order to conform to the new law requiring a Manager of Record for Surface and Transportation and Removal Services. **(Attachment #1)**

Upon a motion by Junius Williams and properly seconded by Louis Jones, the board voted to approved regulations in order to conform to the new law requiring a Manager of Record for Surface and Transportation and Removal Services. The motion carried unanimously.

Legislative Report – Elaine Yeatts

Ms. Yeatts shared a 2016 legislative DHP proposal which would add to the definition of “Practice of Funeral Services” by including The practice of funeral services includes the sale of caskets to the public.

Bifurcation of Licensure – Paul Welch, II

Mr. Welch reported that the Board of Health Professions held a public hearing on May 28th regarding bifurcation of licensure. He stated that approximately 20 people spoke to share whether or not they were for or against dual licensure. Because Frank Walton is involved in mortuary science within the Virginia Community College System (VCCS), Mr. Welch asked if he would briefly explain the process and the various levels of approval that would be required in order to establish curriculum for a new level of licensure through the VCCS. Mr. Walton provided a brief synopsis.

The board agreed that they would wait for the completion of the study conducted by the Board of Health Professions before they made comment.

BREAK

The board recessed at 11:35 a.m. and reconvened at 11:45 a.m.

Amended Agenda

Connie Steele, Chair of the meeting announced that the Agenda was being amended to add Guidance Document 65-8 Sale of Caskets.

Federal Trade Commission (FTC) Disclosure Changes – Lisa R. Hahn

Ms. Hahn reviewed the following April 2015 FTC disclosure changes with the board.

- **Appendix I (General Price List) and Appendix II (Casket Price List)**

Upon a motion by Paul Welch, II and properly seconded by Blair Nelsen, the board approved the changes to Appendix I and Appendix II provided Board Counsel verified the language was correct. The motion carried unanimously.

- **Funeral Inspection Report 76.21.3.1**

Upon a motion by Louis Jones and properly seconded by Frank Walton, the board approved the changes to the Funeral Inspection Report 76.21.3.1 provided Board Counsel verified the language was correct. The motion carried unanimously.

Guidance Document 65-8 Sale of Caskets

Following discussion and upon a motion by Blair Nelsen and properly seconded by Tommy Slusser, the board voted to remove Guidance Document 65-8 Sale of Caskets. The motion carried unanimously.

Election of Officers:

Upon a motion by Junius Williams and properly seconded by Blair Nelsen, the board voted on the nomination of Connie Steele as Board President. The motion carried unanimously.

Upon a motion by Junius Williams and properly seconded by Blair Nelsen, the board voted to elect Connie Steele as the new Board President. The motion carried unanimously.

Upon a motion by Junius Williams and properly seconded by Blair Nelsen, the board voted on the nomination of Tommy Slusser as Board Vice-President. The motion carried unanimously.

Upon a motion by Junius Williams and properly seconded by Blair Nelsen, the board voted to elect Tommy Slusser as the new Board Vice-President. The motion carried unanimously.

Upon a motion by Junius Williams and properly seconded by Blair Nelsen, the board voted on the nomination of Paul Welch, II as Secretary-Treasurer. The motion carried unanimously.

Upon a motion by Junius Williams and properly seconded by Blair Nelsen, the board voted to re-elect Paul Welch, II as the new Secretary-Treasurer. The motion carried unanimously.

ADJOURNMENT:

The board concluded the meeting at 12:00 noon.

Connie B. Steele, President

Lisa R. Hahn, Executive Director

Date

Date

ATTACHMENT #1

CHAPTER 110

An Act to amend and reenact § 54.1-2819 of the Code of Virginia, relating to surface transportation or removal service; manager of record.

[H 1803]

Approved March 16, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2819 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2819. Registration of surface transportation and removal services; penalty.

Any person or private business, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in this Commonwealth.

Surface transportation and removal services shall not arrange or conduct funerals, provide for the care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods and services without the issuance of a funeral service establishment license.

The Board of Funeral Directors and Embalmers shall promulgate regulations for such registration including proper procedures in the handling of all dead human bodies being transported, *the* application process for registration, and *the* establishment of registration fees. These regulations shall not require the use of a casket for transportation. No licensed funeral service establishment shall be required to receive such registration in addition to its funeral service establishment license. However, such establishment shall be subject to the regulations pertaining to transportation and removal services.

Every applicant for registration as a surface transportation and removal service shall include the name of a manager of record on any application for registration and shall notify the Board within 30 days of any change in the manager of record. Such notice shall include the name of the new manager of record of the surface transportation and removal service.

All registrations as a surface transportation and removal service shall be renewed annually and no person, private business, or funeral service establishment shall engage in the business as a surface transportation and removal service without holding a valid registration.

Any surface transportation or removal service ~~which~~ *that* is not registered or persons who knowingly engage in transportation or removal services without registration shall be subject to the disciplinary actions provided in this chapter.

This section shall not be construed to prohibit private individuals from transporting or removing the remains of deceased family members and relatives either by preference or in observation of religious beliefs and customs.