



October 10, 2017
Board Room #2
10:00 a.m.

Agenda

Virginia Board of Funeral Directors & Embalmers Full Board Meeting

Call to Order – Louis R. Jones, FSL, Board President

- Welcome and Introductions
 - Emergency Egress Procedures
-

Approval of Minutes - Pages 1 - 20

- Board Meeting – July 18, 2017
 - Formal Hearing – July 18, 2017
 - Examination Committee – September 5, 2017
 - Ad Hoc Committee on Funeral Interns – September 22, 2017
-

Ordering of Agenda

Public Comment

The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Agency Report - David E. Brown, DC

Presentation

- Virginia's Registered Apprenticeship Program, Virginia Department of Labor and Industry –
Patricia Morrison, Director, Division of Registered Apprenticeship
-

Staff Reports

- Executive Director's Report – **Corie E. Tillman Wolf** - Pages 20 - 27
 - Discipline Report – **Lynne Helmick**
 - Board Counsel Report – **Erin Barrett**
-

Committee and Board Member Reports

- Examination Committee – **Frank Walton, FSL**
 - Ad Hoc Committee on Funeral Internships – **Blair Nelsen, FSL**
 - Report from The Conference of Funeral Service Examining Boards – **Blair Nelsen**
 - Board of Health Professions Report – **Junius H. Williams, Jr.**
-

Legislation and Regulatory Actions – Elaine Yeatts – Pages 29 - 35

- Adoption of Proposed Regulations – Continuing Education Credit for Attendance of Board Meetings
-

Old Business

- Follow-up Information – Statutory Provisions Regarding Storage of Bodies (Virginia Department of Health) – **Lynne Helmick** – [Pages 37 - 40](#)

New Business

- Funeral Sciences Students and Embalming – **Frank Walton**
- Election of Officers

Next Meeting – January 16, 2018

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3708(D).

Meeting Minutes

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

The Virginia Board of Funeral Directors and Embalmers convened for a Board meeting on Tuesday, July 18, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia 23233.

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Ibrahim A. Moiz, Esq., Citizen Member
Mia F. Mimms, FSL, JD

STAFF PRESENT FOR ALL OR PART OF MEETING

Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
Lisa Hahn, Chief Deputy
Elaine Yeatts, Senior Policy Analyst
Heather Wright, Program Manager, FDE/LTCA Boards
Kathy Petersen, Discipline Manager
Asia Pham, Intern
Erin Barrett, Assistant Attorney General, Board Counsel

GUESTS PRESENT

W. Scott Johnson, First Choice Consulting
Abbey Shepperson, VFDA
Bruce Keeney, IFHV
Bo Keeney, IFHV
Barry D. Robinson, VMA

CALLED TO ORDER

Louis R. Jones, FSL, President, called the Board meeting to order at 9:35 a.m.

Board members and staff introduced themselves. With 7 Board members present, a quorum was established.

Mr. Jones stated the following before the first order of business:

- 1) He explained that there were no microphones available therefore everyone would need to speak loud enough so others can hear.
- 2) Computers were provided to the Board members for the purpose of the meeting only and have no connection to the internet. The material that they are able to review on the computer is the same material that has been made available to the public.

Ms. Tillman Wolf then read the emergency egress instructions.

ACCEPTANCE OF MINUTES

Upon a motion by Tommy Slusser, and properly seconded by Junius Williams, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting – April 18, 2017

The vote was unanimous in favor of the motion.

ORDERING OF AGENDA

Changes in the order of the agenda were made to accommodate the schedules of Ms. Yeatts and Ms. Hahn with other scheduled Board meetings.

Upon a motion by Connie Steele, and properly seconded by Blair Nelsen, the Board voted to accept the Agenda as revised. The vote was unanimous in favor of the motion.

PUBLIC COMMENT PERIOD

Bruce Keeney, IFHV, stated that he appreciated the Board's work on a guidance document and proposed regulations on refrigeration. He said the current law was enacted as a result of public outcry from a case in Northern Virginia. IFHV has a concern regarding requiring logs for documentation of moving bodies in and out of refrigeration. This may adversely impact small businesses. He would like the Board to consider other types of documentation as well.

Barry Robinson, VMA, thanked Connie Steele for a presentation to VMA earlier this year. He also thanked Corie Tillman Wolf and Lynne Helmick for their presentations at the VMA Annual Conference. Mr. Robinson passed on appreciation from Frederick Carter's family to the Board for their support after the death of Mr. Carter. The family appreciated the attendance of Lynne Helmick and Karen Schaller, Senior Inspector, at Mr. Carter's funeral service.

Mr. Robinson asked for clarification of the proposed \$25 fee for intern supervisors in the minutes of the Ad Hoc Committee on Internships. Mr. Robinson expressed concern regarding the application of the guidance document regarding aiding and abetting unlicensed activity.

AGENCY DIRECTOR'S REPORT- Lisa Hahn, Chief Deputy

Ms. Hahn explained changes to agency policies and procedures regarding the use of Adjudication Specialists during informal conferences. She explained that the Adjudication Specialists generally will not be in closed sessions, and if they are requested by staff or board members to attend the closed session, they will not be able to be part of the formal hearing process. This change was necessary to counteract possible appearances of impropriety and due process concerns.

Ms. Hahn stated that as of July 1, 2017, board members will receive a per diem of \$50.

Ms. Hahn reported that the VCU Department of Psychiatry is offering training to boards on impairment and treatment.

With no further questions, Ms. Hahn concluded her report.

REPORT ON AD HOC COMMITTEE ON FUNERAL INTERNS – Blair Nelsen, FSL

Blair Nelsen reported that the committee met on July 13, 2017. The committee recommended the following:

- DHP to request a change in *Code of Virginia § 54.1-2817* that would make the internship no longer than 5 years, with wording that the Board may deny additional extensions to internships. (**Attachment A**).

Mr. Nelsen moved to accept this recommendation and for the Board to pursue legislation to amend § 54.1-2817. Tommy Slusser seconded the motion. The vote was unanimous in favor of the motion.

- Changes to the Regulations for the Funeral Service Internship Program as follows:
 - A change to 18VAC65-40-130 (A) to indicate training should be completed within not less than 18 months nor more than 60 months, and that the board would only consider extensions for extenuating circumstances.
 - A reduction in the initial intern supervisor application fee to \$25 and instituting a yearly renewal fee of \$25. This would allow the Board to track active supervisors and make sure supervisors are in good standing.
 - The addition of a regulation requiring that interns be identified to the public as interns in titles, correspondence, and communications with the public.

Mr. Nelsen moved that the Board initiate a Notice of Intended Regulatory Action for regulatory changes to implement the three recommendations of the Committee. The motion was seconded by Connie Steele. The vote was unanimous in favor of the motion.

Mr. Nelsen stated that the Committee also discussed the current Intern Report forms and suggested that the committee meet again to revise the forms, with input from licensees and others regarding the areas of training. He reported that the International Conference of Funeral Service Examining Boards is developing a Model Internship Committee.

Larry Omph made a motion to accept the Ad Hoc Committee's report and minutes. The motion was seconded by Frank Walton. The vote was unanimous in favor of the motion.

LEGISLATION AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst

Adoption of Guidance Document on Intern Identification

Ms. Yeatts recommended that the Board consider a Guidance Document regarding identification of interns. Ms. Barrett recommended that proposed language on the draft Guidance Document indicate that the "board recommends" identification. Board members further discussed the use of identification as an intern where identifying titles were otherwise used. **(Attachment B)**

Mr. Omph made a motion to adopt the Guidance Document as amended. Mr. Williams seconded the motion. The vote was unanimous in favor of the motion.

Consideration of Public Comment – NOIRA – Refrigeration and Permission to Embalm

Ms. Yeatts reported on the public comments received on the NOIRA for refrigeration and embalming documentation. The comments regarding refrigeration included concerns about separate logs for refrigeration, a request for current funeral homes to be grandfathered in on the requirement, and the practicality of whether a funeral home would be able to use a competitor's or hospital's refrigeration. Comments received regarding embalming permission reflected a concern about needing a separate document.

Adoption of Proposed Regulations on Refrigeration and Permission to Embalm

Ms. Yeatts led Board members through review and discussion of draft language for embalming permission and refrigeration regulations. The Board discussed a change in language in the proposed regulation on refrigeration, including adding "evidence of compliance of this requirement shall be maintained as a log entry or other documentation indicating times of placement and removal of a body in refrigeration."

Mr. Omph moved to adopt the language in the draft proposed regulations, as amended. Mr. Slusser seconded the motion. The vote was unanimous in favor of the motion. **(Attachment C)**

The Board discussed the issue of hospitals transferring claimed bodies to funeral homes for storage because the hospital's refrigeration is full, including notifying next of kin about the location of the body and who is liable. It was agreed that this will be discussed further at the next Board meeting. Board staff will research and provide the relevant statutory references to the Board.

BREAK

Mr. Jones called for a break at 11:01 a.m. The Board meeting reconvened at 11:09 a.m.

HEALTHCARE WORKFORCE DATA CENTER (HWDC) – Elizabeth Carter, Ph.D.

Dr. Carter reported on the Virginia’s Funeral Service Provider Workforce: 2017 survey results. She shared some of the highlights of the survey data, including:

- There was an increase in full-time equivalency positions despite a small drop in licensees from 2016 to 2017.
- 20% of the Board’s licensees do not work in Virginia.
- The pipeline states for Virginia licensees are Ohio, Pennsylvania, Texas, New York, and Georgia.
- The funeral service profession has a 96% satisfaction rate.
- Approximately 64% of compensation is through salary or commissions; 20% is through hourly pay.
- There was a decrease in employer provided benefits from 2016-2017: from 81% to 75%.
- 25% of the workforce is in non-metropolitan areas.

Dr. Carter further explained that the survey data provides supply side information, but does not provide demand side information. The Bureau of Labor Statistics does have some data regarding demand through its projections for employment demand. In the short term, from 2016-2018, there is projected to be a 2.2% increase in need or demand for funeral service licensees in Virginia. From 2014-2024, approximately 20 additional jobs will need to be added each year to keep up with projected demand.

Dr. Carter discussed the addition of Funeral Service Licensee to the HWDC occupational roadmap publication. This is a publication disseminated to high school guidance counselors and is available on HWDC’s website.

Ms. Steele moved to accept the HWDC’s report. Mr. Williams seconded the motion. The vote was unanimous in favor of the motion.

EXECUTIVE DIRECTOR’S REPORT- Corie Tillman Wolf, Executive Director

Corie Tillman Wolf, Executive Director, began her report with the Expenditure and Revenue Summary.

Cash Balance as of June 30, 2016	\$ 242,995
YTD FY17 Revenue	682,535
Less YTD Direct & In-Direct Expenditures	<u>530,294</u>
Cash Balance May 31, 2017	\$ 395,236

Ms. Tillman Wolf presented licensure statistics that included the following information:

License	Q4 FY 2017	Q2 FY 2017	Q4 FY 2016	Difference FY16-FY17
Funeral Service Licensees	1,515	1,547	1,516	-1
Funeral Director	39	43	42	-3
Embalmer Only	2	2	2	--
Supervisors	512	503	485	+27
Interns	184	197	176	+8
Establishments	430	436	436	-6
Branch Establishments	76	71	67	+9
Crematories	113	111	108	+5
CE Providers	23	17	26	-3
Courtesy Card Holders	88	87	82	+6
Surface Transport & Removal Svc.	43	48	42	+1
Total (*not incl. supervisors)	2,513	2,561	2,497	+16

Ms. Tillman Wolf reported that customer satisfaction survey results for the fourth quarter of FY2017 were 100%

Ms. Tillman Wolf provided exam results from the National Board Exam for 2016 and the first half of 2017, as reported by the International Conference of Funeral Service Examining Boards (“the Conference”). She further provided state-based results from John Tyler Community College and Tidewater Community College as reported by the American Board of Funeral Service Education in its 2016 report.

Ms. Tillman Wolf provided the following updates:

- From the Conference:
 - The Conference recently released information on its website regarding an issue related to the compromise of exam materials.
 - The Conference is in the process of completing a job task analysis, which will help build and update the examination question bank.
 - The State of Colorado issued a summary suspension to Heritage Cremation Provider. The summary suspension order identified Virginia as one of the states where Heritage was alleged to have operated without a license.
 - The Conference has convened a Model Internship Committee; Board members should let Ms. Tillman Wolf know if they are interested in participating.
- Opioid Epidemic and Funeral Directors – HB 1642/SB 1031, passed during the 2017 Session, related to access to naloxone for employees of agencies that may be exposed to potent opioid chemicals during death and/or criminal investigations. The legislation brings to mind concerns for funeral licensees who also handle deceased victims of the

opioid epidemic. Ms. Tillman Wolf provided information to Board members regarding the availability of naloxone and the Revive! Program.

- Vital Records at DMV – At the request of DMV, Ms. Tillman Wolf has provided a reminder to licensees that vital records are available at all 75 DMV customer service centers and 5 mobile offices across the Commonwealth.
- Electronic Death Reporting System (EDRS) – The Division of Vital Records at VDH is continuing to work on disseminating information to physicians and healthcare providers statewide. As part of budget language passed this year in the General Assembly, state teaching hospitals will be required to implement EDRS by April 15, 2018.
- Apprenticeships – Ms. Tillman Wolf met with Trish Morrison from the Department of Labor and Industry and Dr. Elizabeth Carter regarding registered apprenticeships, which may be of interest to Board members and licensees due to the funeral internship program.
- Visual Research, Inc., will report to the Board in October regarding their work on the Sanction Reference Points project. Kim Small passed along her thanks to Board members for their participation.

Ms. Tillman Wolf provided staff updates to Board members and explained the new \$50 per diem for Board members.

With no further questions, Ms. Tillman Wolf concluded her report.

DISCIPLINE REPORT – Lynne H. Helmick, Deputy Executive Director for Discipline

Lynne Helmick, Deputy Executive Director, reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- 41 Total Cases
 - 24 in Investigation
 - 8 in Probable Cause
 - 5 at APD
 - 1 in Formal
 - 3 in Informal
- 10 licensees in Compliance Monitoring

Virginia Performs - Q4 2017 – Patient Care Cases

- The clearance rate was 100%; the Board received 6 cases and closed 6 cases.
- The pending caseload over 250 days was at 10% (1 case).
- Cases closed within 250 days is 67% - 4 of 6 cases closed within 250 days.

Ms. Helmick reported that the fourth quarter statistics for all cases has not been published yet and will report on those numbers at the next meeting. Ms. Helmick provided a summary of the categories of cases processed by the Board in FY16 and FY17.

With no further questions, Ms. Helmick concluded her report.

BOARD OF HEALTH PROFESSIONS REPORT- Junius Williams

Mr. Williams did not have a report.

OLD BUSINESS

Courtesy Cards – Additional information was compiled from responses from other states through The Conference and provided to Board members. Mr. Nelsen had no additional information to report on this issue at this time.

BREAK

Mr. Jones called for a break at 11:57 a.m. The Board meeting reconvened at 12:15 p.m.

TRAINING - Erin Barrett, Assistant Attorney General

Erin Barrett, Assistant Attorney General, Board Counsel, provided training to Board members regarding the disciplinary process, including the process for formal hearings, the sanctions that can be imposed, and the appeals process. With no further questions, Ms. Barrett concluded her training.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 12:49 p.m.

Louis R. Jones, FSL, President

Corie Tillman Wolf, Executive Director

Date

Date

ATTACHMENT A

2018 Session of the General Assembly

Draft Legislation

A BILL to amend the *Code of Virginia* by amending § 54.1-2817, regarding the funeral internship program.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2817 of the *Code of Virginia* is amended as follows:

§ 54.1-2817. Funeral service interns.

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than ~~three~~ five years prior to application for license or ~~more than five years prior to examination for license licensure~~. If all requirements for licensure are not completed within five years of initial application for an internship, the Board may deny an extension or an additional internship. A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.

ATTACHMENT B

Guidance document: 65-19

Adopted: July 18, 2017

Virginia Board of Funeral Directors and Embalmers

Identification of Funeral Service Interns

In communications with members of the public, whether in person, in advertisements, or in written correspondence, the Board of Funeral Directors and Embalmers recommends that a person registered as an intern be identified as a “Funeral Service Intern” if a title is used along with a person’s name. This includes, but is not limited to, listings of staff in advertisements or on websites, signature/title blocks in written or electronic correspondence, business cards and name tags. The Board further recommends that consumers be made aware that the funeral home representative is a Funeral Service Intern when an intern meets with consumers to arrange funeral services.

ATTACHMENT C

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Clarification of permission to embalm and refrigeration of human remains

Part VII

Standards for Embalming and Refrigeration

18VAC65-20-510. Embalming report.

A. In accordance with the provisions of § 54.1-2806(26) and 54.1-2811.1(B) of the Code of Virginia, express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal authorization to embalm, provided it is followed as soon as possible by a written document or statement signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization

B. Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:

1. The name of the deceased and the date of death;
2. The date and location of the embalming;
3. The name and signature of the embalmer and the Virginia license number of the embalmer; and
4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor.

18VAC65-20-581. Refrigeration requirements.

A. If a dead human body is to be in the possession of a funeral establishment or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains in accordance with § 54.1-2811.1(B) of the Code of Virginia.

B. The mechanical refrigeration unit may be located in the funeral establishment or crematory, or the funeral establishment or crematory may enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration in a mechanical refrigeration unit.

C. Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body in refrigeration.

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING**

MINUTES

Tuesday, July 18, 2017

1:00 P.M.

**Department of Health Professions
9960 Mayland Drive
Henrico, Virginia 23233**

CALL TO ORDER: The Formal Hearing of the Board was called to order at 1:08 p.m.

MEMBERS PRESENT: Louis Jones, FSL, Chair
Frank Walton, FSL
Junius Williams, Citizen Member
Tommy Slusser, FSL
Blair Nelsen, FSL
Connie Steele, FSL
Larry Omps, FSL

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie Tillman Wolf, Executive Director
Kathy Petersen, Discipline Operations Manager

COURT REPORTER: Crane Snead Certified Court Reporters

PARTIES ON BEHALF OF COMMONWEALTH: Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESS: Gayle Miller, Senior Investigator

MATTER SCHEDULED: Charles E. Thomas, FD Reinstatement Applicant
License No.: 0503-000420
Case No.: 180869

ESTABLISHMENT OF A QUORUM:

With seven (7) members of the Board present, a quorum was established.

DISCUSSION:

Mr. Thomas appeared before the Board in accordance with the Board's Notice of Formal Hearing dated June 23, 2017, and was not represented by counsel.

CLOSED SESSION:

The Board received evidence and sworn testimony from the parties called by the Commonwealth and Mr. Thomas, regarding the matters as set forth in the Statement of Particulars.

RECONVENE:

Upon a motion by Larry Omps, and duly seconded by Blair Nelsen, the Board voted to convene a closed meeting at 1:46 p.m., pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Charles E. Thomas. Additionally, he moved that Ms. Barrett, Ms. Petersen and Ms. Tillman Wolf attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

CERTIFICATION:

Upon a motion by Larry Omps, and duly seconded by Tommy Slusser, the Board voted to re-convene at 2:00 p.m.

DECISION:

Mr. Omps certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

Upon a motion by Frank Walton and duly seconded by Larry Omps, the Board moved to reinstate Mr. Thomas' license to practice as a Funeral Director in the Commonwealth of Virginia, pending successful passage of the state exam. Motion carried.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 2:08 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Louis R. Jones, FSL, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date

Unapproved
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
Examination Committee Meeting Minutes

The Examination Committee of the Virginia Board of Funeral Directors and Embalmers convened for a meeting on Tuesday, September 5, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Hearing Room 5, Henrico, Virginia.

COMMITTEE MEMBERS PRESENT

Frank Walton, FSL, Chair
Ibrahim Moiz, Esq. Citizen Member
Mia Mimms, FSL
Larry Omps, FSL

DHP STAFF PRESENT

Lynne Helmick, Deputy Executive Director

CALL TO ORDER

Mr. Walton called the Examination Committee meeting of the Virginia Board of Funeral Directors and Embalmers to order at 11:15 a.m.

CLOSED SESSION:

Upon a motion by Ms. Mimms, and duly seconded by Mr. Omps, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(12) of the Code of Virginia, for the purpose of reviewing the Board's state examination questions. Additionally, she moved that Ms. Helmick attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 11:22 a.m.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 3:10 p.m.

ADJOURNMENT:

With no further business before the Board, the meeting adjourned at 3:10 p.m.

Frank Walton, FSL, Chair

Corie Tillman Wolf, Executive Director

Date

Date

**UNAPPROVED MEETING MINUTES
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
AD HOC COMMITTEE ON FUNERAL INTERNSHIPS**

The Virginia Board of Funeral Directors & Embalmers Ad Hoc Committee on Funeral Internships met on Friday September 22, 2017 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Hearing Room #5, Henrico, Virginia.

COMMITTEE MEMBERS PRESENT:

Blair H. Nelsen, FSL, Board Member, Committee Chair
R.Thomas Slusser, Jr., FSL, Board Member
Junius H. Williams, Jr., Board Member

DHP STAFF PRESENT:

Corie E. Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Heather Wright, FDE Program Manager
Candace Carey, Discipline Assistant

CALL TO ORDER:

The Ad Hoc Committee on Funeral Internships meeting was called to order at 10:01 a.m.

PUBLIC COMMENT:

No public comments were made.

DISCUSSION:

Committee members reviewed and discussed the intern reporting forms used in other states. Mr. Nelsen distributed a form he devised based on suggestions from the previous meeting. The committee members discussed the draft form and suggested changes and additions, including training areas, case listings for embalmings and arrangements, a final supervisor report, and attestation language. Board staff will take the suggestions and devise a new form for the committee's review.

Mr. Nelsen called for a break at 11:25 a.m.

The meeting reconvened at 11:30 a.m.

Another meeting of the ad hoc Internship Committee will be scheduled at a later time. A progress report will be provided at the full Board meeting on October 10, 2017.

Mr. Nelsen reported that the first meeting of the International Conference of Funeral Board Examiners’ Model Internship Committee is scheduled for September 26, 2017.

ADJOURNMENT:

The Committee meeting was adjourned at 11:39 a.m.

Blair Nelsen, FSL, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date

Executive Director's Report

Virginia Department of Health Professions
Cash Balance
As of June 30, 2017

	104- Funeral Directors and Embalmers
Board Cash Balance as of June 30, 2016	\$ 242,995
YTD FY17 Revenue	698,615
Less: YTD FY17 Direct and In-Direct Expenditures	560,863
Board Cash Balance as June 30, 2017	380,747

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2016 and Ending June 30, 2017

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	49,280.00	28,195.00	(21,085.00)	174.78%
4002406	License & Renewal Fee	622,700.00	679,895.00	57,195.00	91.59%
4002407	Dup. License Certificate Fee	550.00	360.00	(190.00)	152.78%
4002408	Board Endorsement - In	1,200.00	-	(1,200.00)	0.00%
4002409	Board Endorsement - Out	3,700.00	3,850.00	150.00	96.10%
4002421	Monetary Penalty & Late Fees	8,440.00	4,900.00	(3,540.00)	172.24%
4002430	Board Changes Fee	5,900.00	5,195.00	(705.00)	113.57%
4002432	Misc. Fee (Bad Check Fee)	70.00	35.00	(35.00)	200.00%
	Total Fee Revenue	691,840.00	722,430.00	30,590.00	95.77%
4003000	Sales of Prop. & Commodities				
4003020	Misc. Sales-Dishonored Payments	775.00	-	(775.00)	0.00%
	Total Sales of Prop. & Commodities	775.00	-	(775.00)	0.00%
4009000	Other Revenue				
4009060	Miscellaneous Revenue	6,000.00	310.00	(5,690.00)	1935.48%
	Total Other Revenue	6,000.00	310.00	(5,690.00)	1935.48%
	Total Revenue	698,615.00	722,740.00	24,125.00	96.66%
5011110	Employer Retirement Contrib.	10,440.87	10,993.00	552.13	94.98%
5011120	Fed Old-Age Ins- Sal St Emp	5,348.35	6,235.00	886.65	85.78%
5011130	Fed Old-Age Ins- Wage Earners	62.55	604.00	541.45	10.36%
5011140	Group Insurance	1,007.40	1,068.00	60.60	94.33%
5011150	Medical/Hospitalization Ins.	19,286.42	19,357.00	70.58	99.64%
5011160	Retiree Medical/Hospitalizatn	906.54	962.00	55.46	94.23%
5011170	Long term Disability Ins	509.59	538.00	28.41	94.72%
	Total Employee Benefits	37,561.72	39,757.00	2,195.28	94.48%
5011200	Salaries				
5011230	Salaries, Classified	70,795.20	81,492.00	10,696.80	86.87%
5011250	Salaries, Overtime	156.92	-	(156.92)	0.00%
	Total Salaries	70,952.12	81,492.00	10,539.88	87.07%
5011300	Special Payments				
5011310	Bonuses and Incentives	262.50	-	(262.50)	0.00%
5011380	Deferred Compnstn Match Pmts	594.00	816.00	222.00	72.79%
	Total Special Payments	856.50	816.00	(40.50)	104.96%
5011400	Wages				
5011410	Wages, General	817.74	7,896.00	7,078.26	10.36%
	Total Wages	817.74	7,896.00	7,078.26	10.36%
5011530	Short-trm Disability Benefits	5,561.16	-	(5,561.16)	0.00%
	Total Disability Benefits	5,561.16	-	(5,561.16)	0.00%
5011930	Turnover/Vacancy Benefits				
	Total Personal Services	115,749.24	129,961.00	14,211.76	89.06%
5012000	Contractual Svs				
5012100	Communication Services				
5012110	Express Services	89.18	200.00	110.82	44.59%
5012140	Postal Services	4,099.60	3,500.00	(599.60)	117.13%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2016 and Ending June 30, 2017

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5012150	Printing Services	78.15	1,500.00	1,421.85	5.21%
5012160	Telecommunications Svcs (VITA)	353.18	300.00	(53.18)	117.73%
5012170	Telecomm. Svcs (Non-State)	330.96	-	(330.96)	0.00%
5012190	Inbound Freight Services	1.98	-	(1.98)	0.00%
	Total Communication Services	4,953.05	5,500.00	546.95	90.06%
5012200	Employee Development Services				
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	1,271.66	1,000.00	(271.66)	127.17%
5012250	Employee Tuition Reimbursement	-	1,000.00	1,000.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	800.00	800.00	0.00%
	Total Employee Development Services	1,521.66	4,600.00	3,078.34	33.08%
5012400	Mgmt and Informational Svcs	-			
5012420	Fiscal Services	9,201.34	9,520.00	318.66	96.65%
5012440	Management Services	169.51	120.00	(49.51)	141.26%
5012470	Legal Services	515.00	150.00	(365.00)	343.33%
5012490	Recruitment Services	86.00	-	(86.00)	0.00%
	Total Mgmt and Informational Svcs	9,971.85	9,790.00	(181.85)	101.86%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	-	40.00	40.00	0.00%
	Total Repair and Maintenance Svcs	-	40.00	40.00	0.00%
5012600	Support Services				
5012640	Food & Dietary Services	858.13	2,100.00	1,241.87	40.86%
5012660	Manual Labor Services	40.16	1,200.00	1,159.84	3.35%
5012670	Production Services	265.76	1,120.00	854.24	23.73%
5012680	Skilled Services	-	910.00	910.00	0.00%
	Total Support Services	1,164.05	5,330.00	4,165.95	21.84%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	3,766.90	5,100.00	1,333.10	73.86%
5012830	Travel, Public Carriers	801.59	700.00	(101.59)	114.51%
5012850	Travel, Subsistence & Lodging	881.10	1,600.00	718.90	55.07%
5012880	Trvl, Meal Reimb- Not Rprtble	284.25	750.00	465.75	37.90%
	Total Transportation Services	5,733.84	8,150.00	2,416.16	70.35%
	Total Contractual Svcs	23,344.45	33,410.00	10,065.55	69.87%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	964.02	1,500.00	535.98	64.27%
5013130	Stationery and Forms	26.09	675.00	648.91	3.87%
	Total Administrative Supplies	990.11	2,175.00	1,184.89	45.52%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013500	Repair and Maint. Supplies				
5013520	Custodial Repair & Maint Matrl	3.65	-	(3.65)	0.00%
	Total Repair and Maint. Supplies	3.65	-	(3.65)	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2016 and Ending June 30, 2017

Account Number	Account Description	Amount	Budget	Amount	% of Budget
				Under/(Over) Budget	
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	Total Residential Supplies	-	120.00	120.00	0.00%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	-	15.00	15.00	0.00%
	Total Supplies And Materials	993.76	2,395.00	1,401.24	41.49%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	42.66	36.00	(6.66)	118.50%
	Total Insurance-Fixed Assets	42.66	36.00	(6.66)	118.50%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	9.47	-	(9.47)	0.00%
5015350	Building Rentals	9.72	-	(9.72)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	9,187.12	8,896.00	(291.12)	103.27%
	Total Operating Lease Payments	9,206.31	8,911.00	(295.31)	103.31%
5015500	Insurance-Operations				
5015510	General Liability Insurance	153.11	135.00	(18.11)	113.41%
5015540	Surety Bonds	9.03	8.00	(1.03)	112.88%
	Total Insurance-Operations	162.14	143.00	(19.14)	113.38%
	Total Continuous Charges	9,411.11	9,090.00	(321.11)	103.53%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022180	Computer Software Purchases	554.30	-	(554.30)	0.00%
	Total Computer Hrdware & Sftware	554.30	-	(554.30)	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	Total Office Equipment	-	132.00	132.00	0.00%
	Total Equipment	554.30	132.00	(422.30)	419.92%
	Total Expenditures	150,052.86	174,988.00	24,935.14	85.75%
	Allocated Expenditures				
20600	Funeral/LTCA/PT	97,845.62	103,604.90	5,759.28	94.44%
30100	Data Center	80,716.76	98,949.49	18,232.73	81.57%
30200	Human Resources	13,354.93	23,606.44	10,251.52	56.57%
30300	Finance	22,178.23	24,105.00	1,926.77	92.01%
30400	Director's Office	12,412.40	14,177.78	1,765.38	87.55%
30500	Enforcement	140,360.01	146,131.24	5,771.24	96.05%
30600	Administrative Proceedings	22,972.43	24,286.89	1,314.46	94.59%
30800	Attorney General	7,346.68	7,250.99	(95.70)	101.32%
30900	Board of Health Professions	5,937.11	9,348.63	3,411.53	63.51%
31100	Maintenance and Repairs	-	474.46	474.46	0.00%

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 10400 - Funeral Directors and Embalmers
 For the Period Beginning July 1, 2016 and Ending June 30, 2017

Account		Amount			
Number	Account Description	Amount	Budget	Under/(Over) Budget	% of Budget
31300	Emp. Recognition Program	507.67	302.10	(205.57)	168.04%
31400	Conference Center	295.22	249.47	(45.75)	118.34%
31500	Pgm Devlpmnt & Impimentn	6,883.19	7,250.08	366.89	94.94%
Total Allocated Expenditures		410,810.24	459,737.49	48,927.24	89.36%
Net Revenue in Excess (Shortfall) of Expenditures		\$ 137,751.90	\$ 88,014.51	\$ (49,737.38)	156.51%



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

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Perimeter Center
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MEMORANDUM

TO: Members, Board of Funeral Directors and Embalmers

FROM: David E. Brown, D.C.

DATE: August 11, 2017

SUBJECT: Revenue and Expenditure Analysis

Virginia law requires that an analysis of revenues and expenditures of each regulatory board be conducted at least biennially. If revenues and expenditures for a given board are more than 10% apart, the Board is required by law to adjust fees so that the fees are sufficient, but not excessive, to cover expenses. The adjustment can be either an increase or decrease.

The Board of Funeral Directors and Embalmers ended the 2014 - 2016 biennium (July 1, 2014, through June 30, 2016) with a cash balance of \$242,995. Current projections indicate that revenue for the 2016 - 2018 biennium (July 1, 2016, through June 30, 2018) will exceed expenditures by approximately \$142,477. When combined with the Board's \$242,995 cash balance as of June 30, 2016, the Board of Funeral Directors and Embalmers projected cash balance on June 30, 2018, is \$385,472.

We recommend no action to change license fees be taken at this time. Please note that these projections are based on internal agency assumptions and are, therefore, subject to change based on actions by some other state agencies, the Governor and/or the General Assembly.

We are grateful for continued support and cooperation as we work together managing the fiscal affairs of the Board and the Department.

Please do not hesitate to call me if you have questions.

cc: Corie E. Tillman Wolf, J.D, Executive Director
Lisa R. Hahn, Chief Deputy Director
Charles E. Giles, Budget Manager
Elaine Yeatts, Senior Policy Analyst

Legislation and Regulatory Actions

**Report on Regulatory Actions
Board of Funeral Directors and Embalmers
(as of September 28, 2017)**

Chapter		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>CE credit for board meetings</u> [Action 4806] NOIRA - Register Date: 7/24/17 Board to adopt proposed regulations 10/10/17
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Clarification of permission to embalm and refrigeration of human remains</u> [Action 4765] Proposed - DPB Review in progress
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<u>Oversight of funeral intern program</u> [Action 4895] NOIRA - At Secretary's Office

Agenda Item: Board Action –Adoption of proposed amendments

Staff Note:

Included in your package are:

A copy of NOIRA from Regulatory Townhall

A copy of proposed amendments for CE credit for attendance at Board meetings

A copy of the statute (Code of Virginia) for continuing education

Action:

Motion to adopt the proposed amendments to 18VAC65-20-151, Continuing competency requirements for renewal of an active license



Logged in as
Elaine J. Yeatts

- Agency** Department of Health Professions
- Board** Board of Funeral Directors and Embalmers
- Chapter** Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 – 20]

Action: CE credit for board meetings

Action 4806 / Stage 7913

Notice of Intended Regulatory Action (NOIRA)

- [Edit Stage](#)
- [Withdraw Stage](#)
- [Go to RIS Project](#)

Documents		
Preliminary Draft Text	None submitted	Sync Text with RIS
Agency Statement	4/25/2017	Upload / Replace
Governor's Approval Memo	6/30/2017	
Registrar Transmittal	7/1/2017	

Status	
Public Hearing	Will be held at the proposed stage
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
DPB Review	Submitted on 4/25/2017 Policy Analyst: Melanie West Review Completed: 5/9/2017 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Governor's Review	Review Completed: 6/30/2017 Result: Approved
Virginia Registrar	Submitted on 7/1/2017 The Virginia Register of Regulations Publication Date: 7/24/2017 Volume: 33 Issue: 24
Comment Period	Ended 8/23/2017 0 comments

Contact information

Name / Title:	Corie Tillman Wolf / <i>Executive Director</i>
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Email Address:	fanbd@dhp.virginia.gov
Telephone:	(804)367-4479 FAX: (804)527-4471 TDD: ()-

This person is the primary contact for this board.

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Project 5113 – Proposed

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

CE credit for board meetings

18VAC65-20-151. Continued competency requirements for renewal of an active license.

A. Funeral service licensees, funeral directors or funeral embalmers shall be required to have completed a minimum of five hours per year of continuing education offered by a board-approved sponsor for licensure renewal in courses that emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession of funeral service.

1. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements. Such requirement may be met once every two years by attendance at a board meeting or at an informal conference or formal hearing.

2. One hour of the five hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic. For the purposes of continuing education credit for volunteer service, an approved sponsor shall be a local health department or free clinic.

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

§ 54.1-2816.1. Continuing education requirements; promulgation of regulations.

A. The Board shall promulgate regulations governing continuing education requirements for funeral services licensees, funeral directors and embalmers licensed by the Board.

B. The Board shall approve criteria for continuing education courses, requiring no more than five hours per year, that are directly related to the respective license and scope of practice of funeral service licensees, funeral directors and embalmers. Approved continuing education courses shall include, but not be limited to, at least one hour per year covering compliance with federal or state laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements. Course providers may be required to register continuing education courses with the Board pursuant to Board regulations. The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes.

C. All course providers shall furnish written certification to licensees of the Board attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of two years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of two years the written certification issued by any Board-approved provider of continuing education courses. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary, to ensure compliance with continuing education requirements.

D. The Board shall have the authority to grant exemptions or waivers in cases of certified illness or undue hardship.

E. The Board may provide for an inactive status for those licensees who do not practice in Virginia. The Board may adopt regulations reducing or waiving continuing education requirements for any licensee granted such inactive status. However, no licensee granted inactive status may have their license changed to active status without first obtaining additional continuing education hours as may be determined by the Board. No person or registrant shall practice in Virginia as an embalmer, funeral director, or funeral service licensee unless he holds a current, active license.

(2002, c. 270; 2008, c. 396; 2012, c. 497.)

**Additional Code Sections Related to Storage of Bodies
(Title 32.1)**

Additional Code Sections Related to Storage of Bodies (Title 32.1)

§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.

A. As used in this chapter, unless the context requires a different meaning:

"Disposition" means the burial, interment, entombment, cremation, or other authorized disposition of a dead body permitted by law.

"Next of kin" has the same meaning assigned to it in § 54.1-2800.

B. In the absence of a next of kin, a person designated to make arrangements for disposition of the decedent's remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

C. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains is willing and able to claim the body, the body may be claimed by the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

D. If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality in which the person or institution is located, which shall make good faith efforts to

determine the identity of the decedent and to identify and notify the next of kin of the decedent. However, in cases in which the identity of the decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided regarding the decedent's death, and the law-enforcement agency for the county or city in which the decedent resided shall make good faith efforts to identify and notify the next of kin of the decedent.

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains, and the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains is willing and able to claim the body, the body may be claimed by the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is able to identify and notify the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains but the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days, the primary law-enforcement agency shall notify the person or institution having initial custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

E. In cases in which a dead body is claimed by the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains but the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains is unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which the decedent resided or in which the death occurred in accordance with this section, and the decedent has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, funeral service licensee, or other person or institution that acts in

accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

2014, c. 228; 2015, cc. 658, 670.

32.1-309.2. Disposition of unclaimed dead body; how expenses paid.

A. In any case in which (i) the primary law-enforcement agency of the county or city in which the person or institution having initial custody of the dead body of the decedent is located or the county or city in which the decedent resided, as may be appropriate pursuant to § 32.1-309.1, is unable to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify (a) the attorney for the county or city in which the decedent resided at the time of death, if known, or (b) if the decedent's county or city of residence at the time of death is not known, the attorney for the county or city in which the person or institution having initial custody of the dead body is located or, if there is no county or city attorney, the attorney for the Commonwealth in such county or city, and such attorney shall without delay request an order authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (1) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (2) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and

died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

2014, c. 228; 2015, cc. 658, 670.