

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, July 13, 2021 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

R. Thomas Slusser, Jr., FSL, President  
Kenneth Scott Hickey, M.D., Citizen Member, Vice-President  
Jason Graves, FSL, Secretary-Treasurer  
Louis R. Jones, FSL  
Mia F. Mimms, FSL, JD  
Blair H. Nelsen, FSL  
Joseph Frank Walton, FSL  
Joseph Michael Williams, FSL

**BOARD MEMBERS ABSENT:**

Muhammad Hanif, Citizen Member

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Barbara Allison-Bryan, M.D., Deputy Director, DHP  
Erin Barrett, Assistant Attorney General, Board Counsel  
David E. Brown, D.C., Director, DHP  
Sarah Georgen, Licensing and Operations Manager  
Kelley Palmatier, Deputy Executive Director  
Yetty Shobo, Ph.D., Deputy Director, Healthcare Workforce Data Center  
Corie Tillman Wolf, Executive Director  
Heather Wright, Program Manager  
Elaine Yeatts, Sr. Policy Analyst

**OTHER GUESTS PRESENT**

Kevin Brown\*  
Paul Harris, Regulatory Support Services, Inc.  
Bo Keeney, Association of Independent Funeral Homes of Virginia\*  
Barry Robinson, Virginia Mortician's Association

*\*participant indicates attendance to count toward continuing education requirements*

**CALL TO ORDER**

Mr. Slusser called the meeting to order at 10:00 a.m. and asked the Board members and staff to introduce themselves.

With eight board members present at the meeting, a quorum was established.

Mr. Slusser read the mission of the Board, which is also the mission of the Department of Health Professions.

Mr. Slusser provided reminders to the Board members and audience regarding sign in sheets, computer agenda materials, attendance for continuing education requirements, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

### **APPROVAL OF MINTUES**

Mr. Slusser opened the floor to any edits or corrections regarding the draft minutes for meetings held on April 6, 2021, including a Board meeting and formal hearing, and a Public Hearing held on June 9, 2021. Hearing none, the minutes were approved as presented.

### **ORDERING OF THE AGENDA**

Upon a **MOTION** by Mr. Jones, properly seconded by Dr. Hickey, the Board voted to accept the agenda as written. The motion carried (8-0).

### **PUBLIC COMMENT**

Barry Robinson, Virginia Mortician's Association (VMA), thanked the Board for their support during the COVID-19 pandemic. He thanked Ms. Wright for her assistance with questions, and thanked Mr. Walton for presenting to the VMA on Laws and Regulations in June 2021.

### **AGENCY REPORT**

Dr. Brown welcomed Mr. Williams to the Board.

Dr. Brown announced that with the end of the public health emergency in Virginia, meetings of the Board would take place in person. He stated that possible legislation would be introduced to the 2022 General Assembly to allow for some meetings to take place virtually. Dr. Brown also stated that the building will reopen to the public for walk-in services effective August 2, 2021. He stated that masks are not required for persons who are fully vaccinated, but are required for those not fully vaccinated.

Dr. Brown stated that DHP staff has been able to telework effectively during the pandemic. He said that staff will return to the building in the Fall, but will be offered a more robust telework policy.

Dr. Allison-Bryan provided statistics of the COVID-19 vaccines in the Commonwealth and announced that 9 million Virginians have been vaccinated which includes adults and minors aged 12-18. She stated that COVID-19 rates have remained stable for about 6 weeks.

With no questions, Dr. Brown and Dr. Allison-Bryan concluded their reports.

## **PRESENTATIONS**

Dr. Shobo provided a presentation on the 2021 Workforce Report for Funeral Service Providers.

Upon a **MOTION** by Mr. Nelsen which was properly seconded by Mr. Williams the Board voted to accept the 2021 Workforce Report for Funeral Service Providers. The motion passed unanimously (8-0).

## **STAFF REPORTS**

### ***Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director***

#### *Board Operations – Post-Emergency*

Ms. Tillman Wolf welcomed back the Board members to in-person meetings. She also welcomed Mr. Williams on his first in-person meeting.

Ms. Tillman Wolf provided information to the Board members regarding the Board Operations following the end of the emergency order in Virginia for the COVID-19 pandemic, which included information on in-person meetings and hearings, board operations, telework for board staff, and inspections through the Enforcement Division of DHP.

#### *COVID Data*

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of July 8, 2021 as provided by the Virginia Department of Health (VDH).

#### *COVID Response*

Ms. Tillman Wolf provided updated information on the FEMA Funeral Assistance Program which became effective March 19, 2021. FEMA is making funds available to be used to reimburse families for funeral expenses for individuals who died of confirmed or suspected COVID beginning January 20, 2020. FEMA recently updated requirements for documentation of deaths occurring between January and May, 2020.

#### *Licenses for Funeral Directors and Embalmers*

Ms. Tillman Wolf provided an update on licensing operations related to the issuance of funeral director and embalmer licenses to coincide with the Board's Emergency Regulations that became effective on January 5, 2021.

Ms. Tillman Wolf reported that the Board has received five (5) Funeral Director applications, eleven (11) Funeral Director Intern applications, one (1) Embalmer application, and three (3) Embalmer Intern applications as of June 30, 2021.

#### *Board Updates*

Ms. Tillman Wolf provided updates on the Boards e-mail blasts to licensees which included an email on April 16, 2021 regarding the FEMA Funeral Assistance Program and new regulations from the Board.

She also reported on recent trainings and presentations to associations regarding Laws and Regulations and Preneed Regulations.

*Inspections – Calendar Year 2020*

Ms. Tillman Wolf provided inspections statistics for the 2020 calendar year, which included a total of 116 inspections (92 Main and Branch Establishments and 24 Crematories).

Ms. Tillman Wolf provided information regarding the most frequently cited deficiencies for calendar year 2020, including deficiencies related to price lists, preneed documentation, embalming and refrigeration, preparation rooms, and cremation authorization documentation.

*Updates – International Conference*

Ms. Tillman Wolf reported that the International Conference has provided an updated guide to their Regulations in Licensure. She noted that this information was available in the agenda packet. She stated that she had also provided in the agenda packet, information from the Conference related to state comparisons of Board Composition, Internships, and Alkaline Hydrolysis Regulations.

Ms. Tillman Wolf stated that the International Conference will convene a volunteer committee to discuss Model Guidelines for Disposition of Human Remains. She announced that Committee applications were due to the International Conference by July 14, 2021.

*Expenditure and Revenue Summary as of June 30, 2021*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of April 30, 2021.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$697,910
<u>Less FY21 Direct &amp; In-Direct Expenditures</u>	<u>\$550,507</u>
<b>Cash Balance as of April 30, 2021</b>	<b>\$904,626</b>

*2021 Board Meeting Dates*

Ms. Tillman Wolf announced the remaining upcoming 2021 Board meeting dates.

- October 12, 2021

Ms. Tillman Wolf announced the 2022 Board meeting dates.

- January 28, 2022

- April 8, 2022
- July 15, 2022
- October 21, 2022 (tentative)

*Reminders*

Ms. Tillman Wolf provided reminders to the Board in regards to updated Conflict of Interest training due by October 1, 2021, training for Board members on July 14, 2021, and questions or communications to Board Members. She thanked the Board members for their service to the Board.

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

***Discipline Report – Kelley Palmatier, JD, Deputy Executive Director***

As of June 25, 2021, Ms. Palmatier reported the following disciplinary statistics:

- 52 Patient Care Cases
  - 5 at Informal
  - 1 at Formal
  - 19 at Enforcement
  - 27 at Probable Cause
  - 0 at APD
- 13 Non Patient Care Cases
  - 2 at Informal
  - 0 at Formal
  - 5 at Enforcement
  - 6 at Probable Cause
  - 0 at APD
- 17 at Compliance

Ms. Palmatier stated that the Clearance Rate was 94% (Goal is 100%) – 16 cases received, 15 cases closed. Ms. Palmatier stated that the caseload over 250 days was 21% (Goal under 20%) with 9 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 5% with 2 cases pending over 415 days. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 50% with 7 cases closed. She reported cases closed within 415 days is 100% with 14 cases closed.

Ms. Palmatier reported the following Total Cases Received and Closed:

- |                   |                   |
|-------------------|-------------------|
| • Q2 2019 – 23/6  | • Q3 2020 – 17/30 |
| • Q3 2019 – 18/25 | • Q4 2020 – 16/13 |
| • Q4 2019 – 10/16 | • Q1 2021 – 15/18 |
| • Q1 2020 – 20/20 | • Q2 2021 – 12/12 |
| • Q2 2020 – 35/21 | • Q3 2021 – 20/22 |

Percentage of all cases closed in 365 days

	Q2-20	Q3-20	Q4-20	Q1-21	Q2-21	Q3-21
FDE	90.3%	68.1%	88.9%	75.8%	87%	51.4%
Agency	72.9%	74.3%	75.8%	70.1%	64%	71.1%

With no questions, Ms. Palmatier concluded her report.

***Licensure Report – Sarah Georgen, Licensing and Operations Manager***

Ms. Georgen presented licensure statistics that included the following information:

*Renewal Statistics – All Licenses*

License	Renewal Percentage as of July 8, 2021
Continuing Education Provider	88.89%

*Licensure Statistics – All Licenses*

License	July 8, 2021	April 5, 2021	Difference (+/-)
Funeral Service Licensees	1,526	1,490	36
Funeral Director	31	30	1
Embalmer Only	2	2	0
Supervisors	548	529	19
Funeral Service Interns	213	187	26
Funeral Directing Interns	5	1	4
Embalmer Interns	1	0	1
Funeral Establishments	417	398	19
Branch Establishments	86	81	5
Crematories	117	115	2
CE Providers	8	9	-1
Courtesy Card Holders	112	98	14
Surface Transport & Removal Svc.	52	45	7
<b>Total (*not incl. supervisors)</b>	<b>2,570</b>	<b>2,456</b>	<b>133</b>

*Customer Satisfaction*

Ms. Georgen reported on the customer satisfaction statistics to include:

- Q1 20 – N/A
- Q2 20 – 85.7%
- Q3 20 – N/A
- Q4 20 – 83.3%
- Q1 21 – 100%
- Q2 21 – N/A
- Q3 21 – N/A

With no questions, Ms. Georgen concluded her report.

**BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General**

Ms. Barrett provided an update on a pending court case involving the Board and provided information regarding a possible case appeal.

Ms. Barrett reminded the Board members that she will provide Board Member Training on July 14, 2021 through the WebEx platform and encouraged Board members to attend.

**COMMITTEE AND BOARD MEMBER REPORTS**

*Report from the Board of Health Professions – Louis R. Jones, FSL*

Mr. Jones noted that the Board of Health Professions' Full Board Meeting minutes were sent to Board members prior to the meeting.

Dr. Allison-Bryan announced the reorganization of the Board of Health Professions stating that Leslie Knachel is the new Executive Director of that Board.

With no questions, Mr. Jones concluded his report.

*International Conference Report – Blair Nelsen, FSL*

Mr. Nelsen stated that the latest version of the Regulations in Licensing booklet was available on the Conference's website which provides a new format with licensure listings by jurisdiction.

Mr. Nelsen announced that the Conference will be looking for volunteers to serve on the Job Task Analysis Committee in the near future and would accept applications soon.

Mr. Nelsen stated that the Conference was accepting applications for a volunteer opportunity to serve on the Model Disposition Guidelines for Disposition of Human Remains Committee. He stated that the deadline for applications is July 14, 2021.

Mr. Nelsen provided information regarding the Conference's Exam Policy changes effective July 1, 2021.

Mr. Nelsen reported on the 2021 National Board Examination (NBE) Statistics.

Mr. Nelsen announced that the Conference will hold its 118<sup>th</sup> Annual Meeting on February 23 & 24, 2022 in Houston, Texas.

With no questions, Mr. Nelsen concluded his report.

## **LEGISLATION AND REGULATORY ACTIONS**

### ***Report on Status of Regulations***

Ms. Yeatts provided an update on the regulatory actions in process.

She reported that the emergency Regulations of the Virginia Board of Funeral Directors and Embalmers (Chapter 20) became effective on January 5, 2021 and expire on July 4, 2022. She reported that the proposed regulations to replace the emergency regulations are currently at the Secretary's Office.

She reported that the proposed Regulations for the Funeral Service Internship Program (Chapter 40) remain at the Governor's office for approval.

With no questions, Ms. Yeatts concluded her report.

## **BREAK**

The Board took a break at 11:04 a.m. and returned at 11:18 a.m.

## **BOARD DISCUSSIONS AND ACTIONS**

### ***Consideration and Adoption of Revisions to Guidance Document 65-10, By-Laws of The Board***

Ms. Tillman Wolf provided an overview of the proposed changes to Guidance Document 65-10, By-Laws of the Board.

Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Graves, the Board voted to adopt revisions to Guidance Document 65-10, By-Laws of the Board as presented. The motion carried (8-0).

### ***Approval of Memorandum of Understanding with Cemetery Board, Department of Professional and Occupational Regulation***

Ms. Tillman Wolf provided an overview of the Memorandum of Understanding with the Cemetery Board of the Department of Professional and Occupation Regulation.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Williams, the Board voted to approve the Memorandum of Understanding with the Cemetery Board of the Department of Professional and Occupational Regulation as presented and to repeal Guidance Document 65-9 (previous Memorandum of Understanding Between the Cemetery Board of the Department of Professional and Occupational Regulation and the Board of Funeral Directors and Embalmers of the Department of Health Professions, dated April 2, 1999). The motion carried (8-0).



***Board Approval of Funeral Director Education Program***

Ms. Tillman Wolf provided an overview of the Tidewater Community College Associate of Applied Science in Funeral Service with a Major in Funeral Directing program.

Upon a **MOTION** by Mr. Graves, properly seconded by Ms. Mimms, the Board voted to approve the Tidewater Community College Associate of Applied Science in Funeral Service with a Major in Funeral Directing program as presented. The motion carried (7-0-1) (For: *Slusser, Hickey, Graves, Jones, Mimms, Nelsen, Williams*; Abstained: *Walton*).

***Discussion – Alkaline Hydrolysis***

Ms. Tillman Wolf stated that the Board had received a recent inquiry on Alkaline Hydrolysis. She briefly provided an overview of the legal status of Alkaline Hydrolysis as a means of disposition of dead human bodies, including information regarding past discussions from the Board in regards to this topic in 2010 and 2011.

The Board discussed Alkaline Hydrolysis and reiterated that it is not currently a legal means of disposition of dead human bodies in Virginia.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Jones, the Board voted to reaffirm that Alkaline Hydrolysis not currently a legal means of disposition in Virginia. The motion carried (8-0).

***Board Member Recognition***

Mr. Slusser recognized Louis R. Jones, FSL for his dedication to the Board of Funeral Directors and Embalmers and service to the Board as a member from 2013-2021 and as President from 2016-2017. Mr. Slusser presented Mr. Jones with a plaque from the Board.

**NEXT MEETING**

The next meeting date is October 12, 2021.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:43 a.m.

  
R. Thomas Slusser, FSL, Board President

  
Corie Tillman Wolf, J.D., Executive Director

10/12/2021  
Date

October 13, 2021  
Date