
Call to Order – R. Thomas Slusser, Jr., FSL, Board President

- Welcome and Introductions
- Mission of the Board
- Emergency Egress Procedures

Approval of Minutes (p. 4-22)

- Board Meeting – July 13, 2021
- For informational purposes – Informal Conferences August 24, 2021

Ordering of Agenda

Public Comment

The Board will receive public comment 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

Presentation – Update on the EDRS System – Janet Rainey, State Registrar, Office of Vital Records, Virginia Department of Health

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director** (p. 29-40)
- Discipline Report – **Kelley Palmatier, Deputy Executive Director**
- Licensing Report – **Sarah Georgen, Licensing and Operations Manager**

Board Counsel Report – Erin Barrett, Assistant Attorney General

Legislative and Regulatory Report – Elaine Yeatts, Senior Policy Analyst

- Report on Status of Regulatory Actions (p. 42)

Board Discussion and Actions – Corie Tillman Wolf, Elaine Yeatts, and Erin Barrett

- Adoption of Electronic Meeting Policy
 - Adoption of Final Regulations from Periodic Review for the Funeral Service Internship Program (18VAC65-40-10 et seq.)
 - Revision to Guidance Document
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- 65-12, Board action on Confidential Consent Agreements
 - Reaffirm Guidance Documents
 - 65-16, Procedures for Auditing Continuing Education
 - 65-19, Identification of Funeral Service Interns
 - Repeal of Documents as Board Guidance Documents
 - 65-5, Reciprocal agreement with the District of Columbia Board of Funeral Directors
 - 65-6, Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors
 - Motion and Adoption of Guidance Document 65-20, Department of Treasury Unclaimed Property Audit and Preneed Contracts - **Erin Barrett**
-

Elections

Next Meeting - January 28, 2022

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 2.2-3707(F).

Approval of Minutes

July 13, 2021

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, 2nd 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 (7) 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 & In-Direct Expenditures</u>	<u>\$550,507</u>
Cash Balance as of April 30, 2021	\$904,626

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
Total (*not incl. supervisors)	2,570	2,456	133

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 118th 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

Date

Date

Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

August 24, 2021

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 9:34 a.m.

MEMBERS PRESENT:

Blair Nelsen, FSL, Chair
Mia Mimms, FSL

DHP STAFF PRESENT:

Corie Tillman Wolf, Executive Director
Angela Pearson, Senior Discipline Manager
Claire Foley, Administrative Proceedings Division

OTHERS PRESENT:

Tosha Fischetti
Madeline Holder
Wendy Ashworth
Amanda Falk
Nakeisha Cummings

MATTER:

Sean Benjamin Cummings, FSL
License No.: 0502-900567
Case Number: 202652

DISCUSSION:

Mr. Cummings appeared before the Committee in accordance with the Board's Amended Notice of Informal Conference dated June 15, 2021 and was represented by counsel, Kimberley A. Murphy, Esquire.

The Committee fully discussed the allegations as referenced in the June 15, 2021 Amended Notice of Informal Conference with Mr. Cummings.

CLOSED SESSION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to convene a closed meeting 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 Sean Benjamin Cummings, FSL. Additionally, she moved that Ms. Tillman Wolf and Ms. Pearson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

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.

DECISION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted and ordered that Mr. Cummings' license be placed on Indefinite Probation for not less than six months, continuing education and a monetary penalty. The motion carried.

ADJOURNMENT:

The Committee adjourned at 10:53 a.m.

Blair Nelsen, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

August 24, 2021

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

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 11:02 a.m.

MEMBERS PRESENT:

Blair Nelsen, FSL, Chair
Mia Mimms, FSL

DHP STAFF PRESENT:

Corie Tillman Wolf, Executive Director
Angela Pearson, Senior Discipline Manager
Claire Foley, Administrative Proceedings Division

OTHERS PRESENT:

Wendy Ashworth
Tosha Fischetti
Madeline Holder

MATTER:

**Satchell's Funeral Service, Inc.
License No.: 0501-000492
Case Number: 208661**

DISCUSSION:

Thomas W. Satchell, Manager of Record, appeared before the Committee in accordance with the Board's Notice of Informal Conference dated March 31, 2021.

The Committee fully discussed the allegations as referenced in the March 31, 2021 Notice of Informal Conference with Thomas W. Satchell, Manager of Record of Satchell's Funeral Service, Inc.

CLOSED SESSION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to convene a closed meeting 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 Satchell's Funeral Service, Inc. Additionally, she moved that Ms.

Tillman Wolf and Ms. Pearson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

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.

DECISION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to refer this matter to a Formal Administrative Hearing. The motion carried.

ADJOURNMENT:

The Committee adjourned at 11:36 a.m.

Blair Nelsen, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

August 24, 2021

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

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 11:52 a.m.

MEMBERS PRESENT:

Blair Nelsen, FSL, Chair
Mia Mimms, FSL

DHP STAFF PRESENT:

Corie Tillman Wolf, Executive Director
Angela Pearson, Senior Discipline Manager
Claire Foley, Administrative Proceedings Division

OTHERS PRESENT:

Wendy Ashworth
Tosha Fischetti
Madeline Holder
Ashley Chapman
Krystina Wilson

MATTER:

**Antonio A. Tucker, FSL
License No.: 0502-900424
Case Number: 203835**

DISCUSSION:

Antonio A. Tucker, FSL, appeared before the Committee in accordance with the Board's Amended Notice of Informal Conference dated June 15, 2021.

The Committee fully discussed the allegations as referenced in the June 15, 2021 Amended Notice of Informal Conference with Antonio A. Tucker, FSL.

CLOSED SESSION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to convene a closed meeting 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 Antonio A. Tucker,

FSL. Additionally, she moved that Ms. Tillman Wolf and Ms. Pearson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

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.

DECISION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted and ordered a reprimand and a monetary penalty. The motion carried.

ADJOURNMENT:

The Committee adjourned at 12:33 p.m.

Blair Nelsen, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

August 24, 2021

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

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 2:10 p.m.

MEMBERS PRESENT:

Blair Nelsen, FSL, Chair
Mia Mimms, FSL

DHP STAFF PRESENT:

Corie Tillman Wolf, Executive Director
Angela Pearson, Senior Discipline Manager
Claire Foley, Administrative Proceedings Division

OTHERS PRESENT:

Wendy Ashworth
D.K. Walton
David Edlow
Tameaka Washington
Parysh Henry
Tremayne Henry

MATTER:

**Mark Edward Fisher, FSL
License No.: 0502-900184
Case Number: 205413**

DISCUSSION:

Mark Edward Fisher appeared before the Committee in accordance with the Board's Amended Notice of Informal Conference dated June 15, 2021 and was represented by counsel, Jeremiah A. Denton, IV., Esquire.

The Committee fully discussed the allegations as referenced in the June 15, 2021 Amended Notice of Informal Conference with Mark Edward Fisher, FSL.

CLOSED SESSION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to convene a

closed meeting 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 Mark Edward Fisher, FSL. Additionally, she moved that Ms. Tillman Wolf and Ms. Pearson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

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.

DECISION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to Dismiss the case. The motion carried.

ADJOURNMENT:

The Committee adjourned at 2:43 p.m.

Blair Nelsen, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

August 24, 2021

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

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 3:19 p.m.

MEMBERS PRESENT:

Blair Nelsen, FSL, Chair
Mia Mimms, FSL

DHP STAFF PRESENT:

Corie Tillman Wolf, Executive Director
Angela Pearson, Senior Discipline Manager
Claire Foley, Administrative Proceedings Division

OTHERS PRESENT:

Wendy Ashworth

MATTER:

**Keith Jay Bullock, FSL
License No.: 0502-900338
Case Number: 205684**

DISCUSSION:

Keith Jay Bullock appeared before the Committee in accordance with the Board's Notice of Informal Conference dated July 13, 2021.

The Committee fully discussed the allegations as referenced in the July 13, 2021 Notice of Informal Conference with Keith Jay Bullock, FSL.

CLOSED SESSION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted to convene a closed meeting 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 Keith Jay Bullock, FSL. Additionally, she moved that Ms. Tillman Wolf and Ms. Pearson attend the closed meeting because their presence in the closed meeting was deemed

necessary and would aid the Committee in its discussions.

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.

DECISION:

Upon a motion by Mia Mimms and duly seconded by Blair Nelsen, the Committee voted and ordered a reprimand and a monetary penalty. The motion carried.

ADJOURNMENT:

The Committee adjourned at 3:39 p.m.

Blair Nelsen, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Presentation – Update on the EDRS System



Receive in-person training and advice from the experts with the Office of Vital Records (OVR). During this training you will learn more about the *Code* and Regulations Governing Vital Records and EDRS.

Funeral Directors/Licensees will receive 1 Hour of CEU credit for attendance of this training!

Great news! OVR will be conducting training near you and you're invited.

Please join us for training and networking opportunities to help you boost your skills and expertise. Mark your calendar. Attendance at only **ONE** of the below dates is necessary.

Please preregister by email to ovr.training@vdh.virginia.gov 7 days in advance with the selected date, name of attendee(s), name of Establishment and contact number.

Locations	2021 Dates	Time
Abingdon	Aug 24 & 25	6PM - 7PM
Roanoke	Sept 21 & 22	6PM - 7PM
Woodbridge	Oct 5 & 6	6PM - 7PM
Harrisonburg	Oct 19 & 20	6PM - 7PM
Hanover	Nov 9 & 10	6PM - 7PM
Hampton*	Nov 16 & 17	6PM - 7PM



Receive in-person training and advice from the experts with the Office of Vital Records (OVR). During this training you will learn more about the following:

- Death Certificates
- Your Final Act – Code & Regulation Review
- Benefits of the Electronic Death Registration System (EDRS)

Any medical staff member (DO, MD, NP, RN, and PA) who would certify a death certificate is encouraged to attend.

Great news! OVR will be conducting training near you and you're invited.

Please join us for training and networking opportunities. Mark your calendar. Attendance at only **ONE** of the below dates is necessary.

Please preregister by email to ovr.training@vdh.virginia.gov 7 days in advance with the selected date, name of attendee(s), name of Hospital or Medical Center/Office, contact number and whether attendance will be virtual or in-person.

Locations	2021 Dates	Time
Abingdon	Aug 24 & 25	5PM - 6PM
Roanoke	Sept 21 & 22	5PM - 6PM
Woodbridge	Oct 5 & 6	5PM - 6PM
Harrisonburg	Oct 19 & 20	5PM - 6PM
Hanover	Nov 9 & 10	5PM - 6PM
Hampton	Nov 16 & 17	5PM - 6PM

2021 OVR LHD REGIONAL TRAINING SCHEDULE

<u>Regions</u>	Date and Time	Training Location
<u>Southwest Region:</u>	August 24 & 25, 2021	SW Virginia Higher Education Center
<ul style="list-style-type: none"> • Cumberland Plateau Health District 		Virginia Highland Community College
<ul style="list-style-type: none"> • Lenowisco Health District 		1 Partnership Circle
<ul style="list-style-type: none"> • Mount Rodgers Health District 		Abington, Virginia 24210
		Executive Auditorium
<u>Western Region:</u>	September 21 & 22, 2021	Holiday Inn – Valley View Roanoke
<ul style="list-style-type: none"> • Alleghany Health District 		3315 Ordway Drive
<ul style="list-style-type: none"> • Central Virginia Health District 		Roanoke, Virginia 24017
<ul style="list-style-type: none"> • New River Health District 		Grove Ballroom
<ul style="list-style-type: none"> • Pittsylvania/Danville Health District 		
<ul style="list-style-type: none"> • Roanoke City Health District 		
<ul style="list-style-type: none"> • West Piedmont Health District 		
<u>Northern Region:</u>	October 5 & 6, 2021	Sentara Northern Virginia Hospital
<ul style="list-style-type: none"> • Alexandria Health District 		Hylton Education Center
<ul style="list-style-type: none"> • Arlington Health District 		2300 Opitz Blvd
<ul style="list-style-type: none"> • Fairfax Health District 		Woodbridge, Virginia 22191
<ul style="list-style-type: none"> • Loudoun Health District 		
<ul style="list-style-type: none"> • Prince William Health District 		
<ul style="list-style-type: none"> • Rappahannock Health District 		

2021 OVR LHD REGIONAL TRAINING SCHEDULE

2021 OVR LHD REGIONAL TRAINING SCHEDULE		
<u>Northwestern Region:</u>	October 19 & 20, 2021	Double Tree by Hilton – Harrisonburg
• Blue Ridge Health District		1400 E. Market Street
• Central Shenandoah Health District		Harrisonburg, Virginia 22801
• Lord Fairfax Health District		Ballroom
• Rappahannock/Rapidan Health District		
<u>Central Region:</u>	November 9 & 10, 2021	Virginia Public Safety Training Center
• Chickahominy Health District		7093 Broad Neck Road
• Chesterfield Health District		Hanover, Virginia 23069
• Crater Health District		Knox Hall
• Henrico Health District		
• Southside Health District		
• Piedmont Health District		
• Richmond City Health District		
<u>Eastern Region:</u>	November 16 & 17, 2021	Sentara Careplex Hospital
• Chesapeake Health District		3000 Coliseum Drive
• Eastern Shore Health District		Hampton, Virginia 23666
• Hampton City Health District		1 st Floor Conference Room
• Norfolk City Health District		
• Peninsula Health District		
• Portsmouth Health District		
• Three Rivers Health District		
• Virginia Beach Health District		
• Western Tidewater Health District		

Staff Reports

**104- Funeral Directors
and Embalmers**

Board Cash Balance as June 30, 2020	\$ 757,223
YTD FY21 Revenue	721,065
Less: YTD FY21 Direct and Allocated Expenditures	<u>629,658</u>
Board Cash Balance as June 30, 2021	<u><u>\$ 848,630</u></u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending June 30, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	57,355.00	49,845.00	(7,510.00)	115.07%
4002406	License & Renewal Fee	643,580.00	612,290.00	(31,290.00)	105.11%
4002407	Dup. License Certificate Fee	710.00	360.00	(350.00)	197.22%
4002409	Board Endorsement - Out	2,500.00	3,850.00	1,350.00	64.94%
4002421	Monetary Penalty & Late Fees	45.00	10,025.00	9,980.00	0.45%
4002432	Misc. Fee (Bad Check Fee)	50.00	35.00	(15.00)	142.86%
	Total Fee Revenue	<u>712,840.00</u>	<u>684,100.00</u>	<u>(28,740.00)</u>	<u>104.20%</u>
	Total Revenue	<u>721,065.00</u>	<u>687,400.00</u>	<u>(33,665.00)</u>	<u>104.90%</u>
5011110	Employer Retirement Contrib.	13,710.86	13,888.00	177.14	98.72%
5011120	Fed Old-Age Ins- Sal St Emp	6,905.72	7,970.00	1,064.28	86.65%
5011140	Group Insurance	1,283.28	1,287.00	3.72	99.71%
5011150	Medical/Hospitalization Ins.	27,536.96	30,040.00	2,503.04	91.67%
5011160	Retiree Medical/Hospitalizatn	1,075.76	1,076.00	0.24	99.98%
5011170	Long term Disability Ins	585.27	586.00	0.73	99.88%
	Total Employee Benefits	<u>51,097.85</u>	<u>54,847.00</u>	<u>3,749.15</u>	<u>93.16%</u>
5011200	Salaries				
5011230	Salaries, Classified	95,867.52	96,048.00	180.48	99.81%
5011250	Salaries, Overtime	277.57	-	(277.57)	0.00%
	Total Salaries	<u>96,145.09</u>	<u>96,048.00</u>	<u>(97.09)</u>	<u>100.10%</u>
5011300	Special Payments				
5011310	Bonuses and Incentives	325.00	-	(325.00)	0.00%
5011340	Specified Per Diem Payment	1,550.00	-	(1,550.00)	0.00%
5011380	Deferred Compnstrn Match Pmts	648.00	864.00	216.00	75.00%
	Total Special Payments	<u>2,523.00</u>	<u>864.00</u>	<u>(1,659.00)</u>	<u>292.01%</u>
5011400	Wages				
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	<u>-</u>	<u>8,133.00</u>	<u>8,133.00</u>	<u>0.00%</u>
5011530	Short-trm Disability Benefits	-	-	-	0.00%
	Total Disability Benefits	<u>-</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>
5011600	Terminatn Personal Svce Costs				
5011660	Defined Contribution Match - Hy	113.76	-	(113.76)	0.00%
	Total Terminatn Personal Svce Costs	<u>113.76</u>	<u>-</u>	<u>(113.76)</u>	<u>0.00%</u>
5011930	Turnover/Vacancy Benefits	-	-	-	0.00%
	Total Personal Services	<u>149,879.70</u>	<u>159,892.00</u>	<u>10,012.30</u>	<u>93.74%</u>
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	-	200.00	200.00	0.00%
5012120	Outbound Freight Services	8.01	-	(8.01)	0.00%
5012140	Postal Services	2,850.18	3,500.00	649.82	81.43%
5012150	Printing Services	2.14	1,500.00	1,497.86	0.14%
5012160	Telecommunications Svcs (VITA)	853.75	300.00	(553.75)	284.58%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending June 30, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
5012170	Telecomm. Svcs (Non-State)	-	-	-	0.00%
5012190	Inbound Freight Services	0.97	-	(0.97)	0.00%
	Total Communication Services	3,715.05	5,500.00	1,784.95	67.55%
5012200	Employee Development Services				
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012240	Employee Training/Workshop/Conf	-	1,945.00	1,945.00	0.00%
	Total Employee Development Services	250.00	6,995.00	6,745.00	3.57%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	13,179.89	9,520.00	(3,659.89)	138.44%
5012440	Management Services	121.94	120.00	(1.94)	101.62%
5012460	Public Infrmtnl & Relatn Svcs	-	-	-	0.00%
5012470	Legal Services	463.25	500.00	36.75	92.65%
	Total Mgmnt and Informational Svcs	13,765.08	10,140.00	(3,625.08)	135.75%
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	269.76	-	(269.76)	0.00%
5012530	Equipment Repair & Maint Srvc	779.27	640.00	(139.27)	121.76%
5012560	Mechanical Repair & Maint Srvc	-	-	-	0.00%
	Total Repair and Maintenance Svcs	1,049.03	640.00	(409.03)	163.91%
5012600	Support Services				
5012630	Clerical Services	-	-	-	0.00%
5012640	Food & Dietary Services	538.98	2,100.00	1,561.02	25.67%
5012660	Manual Labor Services	117.07	1,200.00	1,082.93	9.76%
5012670	Production Services	369.69	1,120.00	750.31	33.01%
5012680	Skilled Services	11,113.12	8,310.00	(2,803.12)	133.73%
	Total Support Services	12,138.86	12,730.00	591.14	95.36%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	544.64	6,200.00	5,655.36	8.78%
5012850	Travel, Subsistence & Lodging	192.38	1,600.00	1,407.62	12.02%
5012880	Trvl, Meal Reimb- Not Rprtbl	134.25	750.00	615.75	17.90%
	Total Transportation Services	871.27	9,250.00	8,378.73	9.42%
	Total Contractual Svcs	31,789.29	45,255.00	13,465.71	70.24%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013110	Apparel Supplies	9.74	-	(9.74)	0.00%
5013120	Office Supplies	931.95	1,500.00	568.05	62.13%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	Total Administrative Supplies	941.69	2,175.00	1,233.31	43.30%
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%
5013400	Medical and Laboratory Supp.				
5013420	Medical and Dental Supplies	1.34	-	(1.34)	0.00%
	Total Medical and Laboratory Supp.	1.34	-	(1.34)	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending June 30, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
5013500	Repair and Maint. Supplies				
5013510	Building Repair & Maint Materl	3.52	-	(3.52)	0.00%
5013520	Custodial Repair & Maint Matr	0.49	-	(0.49)	0.00%
	Total Repair and Maint. Supplies	<u>4.01</u>	<u>-</u>	<u>(4.01)</u>	<u>0.00%</u>
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
5013640	Laundry and Linen Supplies	-	-	-	0.00%
5013650	Personal Care Supplies	-	-	-	0.00%
	Total Residential Supplies	<u>-</u>	<u>120.00</u>	<u>120.00</u>	<u>0.00%</u>
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	<u>-</u>	<u>15.00</u>	<u>15.00</u>	<u>0.00%</u>
	Total Supplies And Materials	<u>947.04</u>	<u>2,395.00</u>	<u>1,447.96</u>	<u>39.54%</u>
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	36.00	36.00	0.00%
	Total Insurance-Fixed Assets	<u>-</u>	<u>36.00</u>	<u>36.00</u>	<u>0.00%</u>
5015300	Operating Lease Payments				
5015340	Equipment Rentals	8.24	-	(8.24)	0.00%
5015350	Building Rentals	38.40	-	(38.40)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	4,875.44	4,613.00	(262.44)	105.69%
	Total Operating Lease Payments	<u>4,922.08</u>	<u>4,628.00</u>	<u>(294.08)</u>	<u>106.35%</u>
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	Total Insurance-Operations	<u>-</u>	<u>143.00</u>	<u>143.00</u>	<u>0.00%</u>
	Total Continuous Charges	<u>4,922.08</u>	<u>4,807.00</u>	<u>(115.08)</u>	<u>102.39%</u>
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	45.00	-	(45.00)	0.00%
	Total Computer Hrdware & Sftware	<u>45.00</u>	<u>-</u>	<u>(45.00)</u>	<u>0.00%</u>
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	-	-	-	0.00%
	Total Educational & Cultural Equip	<u>-</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
5022620	Office Furniture	-	-	-	0.00%
5022640	Office Machines	-	-	-	0.00%
5022680	Office Equipment Improvements	-	-	-	0.00%
	Total Office Equipment	<u>-</u>	<u>132.00</u>	<u>132.00</u>	<u>0.00%</u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending June 30, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5022700	Specific Use Equipment				
5022710	Household Equipment	10.73	-	(10.73)	0.00%
5022740	Non Power Rep & Maint- Equip	0.79	-	(0.79)	0.00%
	Total Specific Use Equipment	<u>11.52</u>	<u>-</u>	<u>(11.52)</u>	<u>0.00%</u>
	Total Equipment	<u>56.52</u>	<u>132.00</u>	<u>75.48</u>	<u>42.82%</u>
	Total Expenditures	<u>187,594.63</u>	<u>212,481.00</u>	<u>24,886.37</u>	<u>88.29%</u>
Allocated Expenditures					
20200	Opt/Vet-Med/ASLP Executive Dir	-	-	-	0.00%
30100	Data Center	61,498.94	63,789.84	2,290.90	96.41%
30200	Human Resources	9,696.70	10,199.32	502.62	95.07%
30300	Finance	31,827.14	32,427.59	600.45	98.15%
30400	Director's Office	10,782.42	11,651.51	869.09	92.54%
30500	Enforcement	158,882.82	168,075.67	9,192.84	94.53%
30600	Administrative Proceedings	38,123.15	34,306.55	(3,816.60)	111.12%
30700	Impaired Practitioners	260.17	158.33	(101.84)	164.32%
30800	Attorney General	8,809.10	3,807.38	(5,001.71)	231.37%
30900	Board of Health Professions	8,685.89	8,770.32	84.43	99.04%
31100	Maintenance and Repairs	165.67	1,034.94	869.27	16.01%
31300	Emp. Recognition Program	141.42	685.43	544.01	20.63%
31400	Conference Center	726.24	149.95	(576.29)	484.32%
31500	Pgm Devlpmnt & Implmentn	4,151.73	5,223.88	1,072.15	79.48%
	Total Allocated Expenditures	<u>442,063.30</u>	<u>453,676.54</u>	<u>11,613.24</u>	<u>97.44%</u>
	Net Revenue in Excess (Shortfall) of Expenditures	<u>\$ 91,407.07</u>	<u>\$ 21,242.46</u>	<u>\$ (70,164.61)</u>	<u>430.30%</u>

Funeral Directors and Embalmers Monthly Snapshot for June 2021

Funeral Directors and Embalmers received more cases in June than closed. Funeral Directors and Embalmers closed 2 patient care cases and 3 non-patient care cases for a total of 5 cases.

Cases Closed	
Patient Care	2
Non-Patient Care	3
Total	5

The board received 6 patient care cases and 3 non-patient care cases for a total of 9 cases.

Cases Received	
Patient Care	6
Non-Patient Care	3
Total	9

As of June 30 2021, there were 55 patient care cases open and 13 non-patient care cases open for a total of 68 cases.

Cases Open	
Patient Care	55
Non-Patient Care	13
Total	68

There were 3,105 Funeral Directors and Embalmers licensees as of July 1, 2021. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Branch Establishment	84
Courtesy Card	112
Crematories	117
Embalmer	2
Embalming Internship	1
Funeral Director	31
Funeral Directing Internship	5
Funeral Establishment	417
Funeral Service Intern	213
Funeral Service Licensee	1,526
Funeral Supervisor	546
Surface Transport & Removal Services	51
Total for Funeral Directors and Embalmers	3,105

There were 30 licenses issued for Funeral Directors and Embalmers for the month of June. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Courtesy Card	3
Funeral Establishment	1
Funeral Service Intern	13
Funeral Service Licensee	9
Funeral Supervisor	4
Total for Funeral Directors and Embalmers	30

Funeral Directors and Embalmers Monthly Snapshot for July 2021

Funeral Directors and Embalmers closed more cases in July than received. Funeral Directors and Embalmers closed 8 patient care cases and 3 non-patient care cases for a total of 11 cases.

Cases Closed	
Patient Care	8
Non-Patient Care	3
Total	11

The board received 5 patient care cases and 2 non-patient care cases for a total of 7 cases.

Cases Received	
Patient Care	5
Non-Patient Care	2
Total	7

As of July 30 2021, there were 52 patient care cases open and 12 non-patient care cases open for a total of 64 cases.

Cases Open	
Patient Care	52
Non-Patient Care	12
Total	64

There were 3,142 Funeral Directors and Embalmers licensees as of August 1, 2021. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Branch Establishment	85
Continuing Education Provider	9
Courtesy Card	116
Crematories	117
Embalmer	2
Embalming Internship	1
Funeral Directing Internship	8
Funeral Director	32
Funeral Establishment	418
Funeral Service Intern	218
Funeral Service Licensee	1,531
Funeral Supervisor	553
Surface Transport & Removal Services	52
Total for Funeral Directors	3,142

There were 28 licenses issued for Funeral Directors and Embalmers for the month of July. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Branch Establishment	2
Courtesy Card	4
Funeral Directing Internship	3

Funeral Director	1
Funeral Establishment	1
Funeral Service Intern	5
Funeral Service Licensee	4
Funeral Supervisor	7
Surface Transport & Removal Services	1
Total for Funeral Directors and Embalmers	28

From: Virginia Board of Funeral Directors and Embalmers

Date: Aug 12, 2021

Subject: Upcoming Training Opportunities - Funeral Providers and Medical Certifiers



Virginia Department of
Health Professions

Virginia Board of Funeral Directors and Embalmers

**Upcoming Training Opportunities - Funeral Providers and Medical
Certifiers**
**Vital Records and the Electronic Death Reporting System
(EDRS)**

Please see the below flyer information from the Virginia Department of Health, Office of Vital Records, regarding a series of upcoming trainings for funeral providers and medical certifiers on the requirements for death certificates, vital records, and use of the EDRS.

For more information or questions about this training, please contact the Office of Vital Records by e-mail at ovr.training@vdh.virginia.gov

[Funeral Provider Trainings](#)

[Medical Certifier Trainings](#)

[Training Dates and Locations](#)

Please feel free to share this information with your colleagues, medical certifiers, and others who may be interested in this training opportunity.

From: Virginia Board of Funeral Directors and Embalmers

Date: Sept 17, 2021

Subject: Upcoming Training Opportunities - Funeral Providers and Medical Certifiers



Virginia Board of Funeral Directors and Embalmers

**Upcoming Training Opportunities - Funeral Providers and Medical
Certifiers**
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[Funeral Provider Trainings](#)

[Medical Certifier Trainings](#)

[Training Dates and Locations](#)

Please feel free to share this information with your colleagues, medical certifiers, and others who may be interested in this training opportunity.

Legislative and Regulatory Report

Report on Regulatory Actions (as of September 30, 2021)

		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<p><u>Licenses for funeral directors and embalmers</u> [Action 5635]</p> <p>Proposed - <i>At Secretary's Office for 106 days</i></p>
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<p><u>Periodic review 2019</u> [Action 5221]</p> <p>Proposed - <i>Register Date: 5/10/21</i> <i>Comment closed: 7/9/21</i> <i>Board to adopt final: 10/12/21</i></p>

Board Discussion and Actions

Virginia Board of Funeral Directors and Embalmers

Meetings Held with Electronic Participation

Purpose:

To establish a written policy for holding meetings of a health regulatory board within the Department of Health Professions with electronic participation by some of its members and the public.

Policy:

This policy for conducting a meeting with electronic participation shall be in accordance with § 2.2-3708.2 of the Code of Virginia.

Authority:

§ [2.2-3708.2](#). Meetings held through electronic communication means.

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to § [44-146.21](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
- c. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
- d. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § [2.2-3707.01](#), state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § [30-179](#).

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § [2.2-3707](#). Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
 - b. The dates and purposes of each such meeting;
 - c. A copy of the agenda for each such meeting;
 - d. The primary or central meeting location of each such meeting;
 - e. The types of electronic communication means by which each meeting was held;
 - f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
 - g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
 - h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
 - i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
 - j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
 - k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.
- E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

Procedures:

1. In order to conduct a meeting with electronic participation, a quorum of the board or a committee of the board must be physically present at a central location.
2. If a quorum is attained, one or more members of the board or committee may participate electronically if, on or before the day of a meeting, the member notifies the chair and the executive director that he/she is unable to attend the meeting due to: 1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; 2) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or 3) a personal matter, identifying with specificity the nature of the personal matter. Attendance

by a member electronically for personal reasons is limited to two meetings per calendar year or no more than 25% of meetings held.

3. Participation by a member through electronic communication means must be approved by the board chair or president.
4. The board or committee holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location does not need to be open to the public.
5. The board or committee shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance or if the member participated electronically due to a personal matter, the minutes shall state the specific nature of the personal matter cited by the member.
6. If a board or committee holds a meeting through electronic communication, it must also hold at least one meeting annually where members are in attendance at the central location and no members participate electronically.
7. Notice of a meeting to be conducted electronically, along with the agenda, should be provided to the public contemporaneously with such information being sent to board members at least three working days in advance of such meeting. Notice of special, emergency, or continued meetings must be given contemporaneously with the notice provided to members.
8. Meeting notices and agendas shall be posted on the Virginia Regulatory Townhall (which sends notice to Commonwealth Calendar and the Board's website). They should also be provided electronically to interested parties on the Board's public participation guidelines list.
9. The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary meeting location; shall include notice as to the electronic communication means by which members of the public may participate in the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.
10. The agenda shall include a link to a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179 to allow members of the public to assess their experience with participation in the electronic meeting.
11. Members of the public must be given substantially equal access to the electronic communication available to the members. Public comment on the agenda item(s) may be

requested for submission in advance to be included in the agenda package or may be received at the beginning of the meeting.

12. The meeting may be conducted via teleconferencing or videoconferencing. If a telephonic meeting without video is held, members should have an opportunity to speak individually and should identify themselves as they do.
13. Minutes of meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted with electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.
14. A board or committee that meets by electronic communication means must make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:
 - a. The total number of meetings held that year in which there was participation through electronic communication means;
 - b. The dates and purposes of each such meeting;
 - c. A copy of the agenda for each such meeting;
 - d. The primary or central meeting location of each such meeting;
 - e. The types of electronic communication means by which each meeting was held;
 - f. If possible, the number of members of the public who participated in each meeting through electronic communication means;
 - g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
 - h. The identity of any members of the public body who were recorded as absent at each meeting;
 - i. . If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
 - j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
 - k. A written summary of the Board's experience conducting meetings through electronic communication means, including its logistical and technical experience.

Form:

Link to Public comment form from the Freedom of Information Council

<http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>

Adopted on (date): _____

Adoption of Final
Regulations from
Periodic Review for the
Funeral Service
Internship Program
(18VAC65-40-10 et seq.)

**Agenda Item: Board Action – Adoption of a final regulation
(Funeral Internship)**

Staff Note:

Included in your package are:

Copy of the Notice of proposed regulations on Townhall (there were no public comments during the 60-day comment period or the public hearing)

Copy of amendments as proposed (staff recommends adoption of proposed regulations as final with changes in section 250 to avoid conflict with language in emergency regulations for 3 types of internships)

Actions:

Motion to adopt the final amendments to 18VAC65-40 as presented in the agenda package or as amended by the Board

Virginia.gov Agencies | Governor



Agency Department of Health Professions
Board Board of Funeral Directors and Embalmers
Chapter Regulations for the Funeral Service Intern Program [18 VAC 65 - 40]

Action: Periodic review 2019**Proposed Stage**

Action 5221 / Stage 8787

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

Documents		
Proposed Text	5/4/2021 3:07 pm	Sync Text with RIS
Agency Background Document	10/15/2019 (modified 11/4/2020)	Upload / Replace
Attorney General Certification	10/25/2019	
DPB Economic Impact Analysis	12/9/2019	
Agency Response to EIA	2/25/2020	Upload / Replace
Governor's Review Memo	4/12/2021	
Registrar Transmittal	4/16/2021	

Status	
Incorporation by Reference	No
Exempt from APA	No, this stage/action is subject to Article 2 of the <i>Administrative Process Act</i>
Attorney General Review	Submitted to OAG: 10/15/2019 Review Completed: 10/25/2019 Result: Certified
DPB Review	Submitted on 10/25/2019 Economist: Oscar Ozfidan Policy Analyst: Cari Corr Review Completed: 12/9/2019
Secretary Review	Secretary Review Completed: 1/3/2020
Governor's Review	Review Completed: 4/12/2021 Result: Approved
Virginia Registrar	Submitted on 4/16/2021 The Virginia Register of Regulations Publication Date: 5/10/2021 Volume: 37 Issue: 19
Public Hearings	06/09/2021 9:00 AM
Comment Period	Ended 7/9/2021 0 comments

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This person is the primary contact for this chapter.

*This stage was created by Elaine J. Yeatts on 10/15/2019 at 3:58pm
This stage was last edited by Elaine J. Yeatts on 02/25/2020 at 1:28pm*

Project 6053 - Proposed

Board Of Funeral Directors And Embalmers

Periodic review 2019

18VAC65-40-90. Renewal of registration.

A. The funeral service intern registration shall expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service intern is responsible for notifying the board within 14 days of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board. Renewal notices may be mailed or sent electronically.

18VAC65-40-110. ~~Reinstatement~~ Renewal or reinstatement of expired registration.

A. A funeral service intern whose registration has expired may be ~~reinstated~~ renewed within one year following expiration by payment of the current renewal fee and the late renewal fee.

B. A funeral service intern whose registration has been expired for more than one year shall apply for reinstatement by submission of an application and payment of a reinstatement fee. The board may consider reinstatement of an expired registration for up to three years following expiration.

C. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new internship begun.

18VAC65-40-130. Funeral service internship.

A. The internship shall consist of at least ~~3,000~~ 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. ~~For good cause shown, the~~ The board may grant an extension of time for completion of an internship only for extenuating circumstances.

B. The funeral service intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.

C. A funeral service intern shall receive training in all areas of funeral service.

D. A funeral service intern shall be identified to the public as a funeral service intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

18VAC65-40-220. Qualifications of training site.

A. The board shall approve only an establishment or two combined establishments to serve as the training site or sites that:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have 50 or more funerals and 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site.

B. The board may grant approval for ~~a resident trainee~~ an intern to receive all or a portion of the embalming training at a facility of state or federal government or an accredited educational institution.

18VAC65-40-250. Requirements for supervision.

A. Training shall be conducted under the direct supervision of a licensee ~~or licensees~~ approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at least two consecutive years in practice as a funeral service licensee, funeral director, or embalmer and are employed full time in or under contract with the establishment, facility, or institution where training occurs. The board will not approve registration of a supervisor who has been subject to board disciplinary action within the most recent two years.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed. A supervisor shall ensure that [a funeral service an] intern receives training under the direct supervision of a licensee who has a current license in good standing.

D. A supervisor shall register with the board for each [funeral service] intern for whom the supervisor is providing supervision. Such registration shall expire 48 months after registration or at the completion of the intern's training, whichever occurs first. If the intern has been granted an extension beyond 48 months for extenuating circumstances, the supervisor may continue to provide supervision for a time period specified by the board.

~~D.~~ E. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

~~E. F.~~ If a supervisor is unable or unwilling to continue providing supervision, the funeral service intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

G. 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.

18VAC65-40-280. Supervisor application package.

A. A licensee seeking approval by the board as a supervisor of an intern shall submit a completed application and any additional documentation as may be required to determine eligibility for each intern to be supervised.

B. The application for supervision of a funeral service intern shall be signed by the establishment manager and by the persons who will be providing supervision for embalming and for the funeral services.

18VAC65-40-320. Reports to the board.

A. The intern, the supervisor ~~or supervisors~~, and the establishment shall submit a written report to the board at the end of every 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding period; and
2. Be received in the board office no later than 14 days following the end of the completion of 1,000 hours. ~~Late reports may result in additional time being added to the internship.~~

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.

2. Partial reports shall be received in the board office no later than 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. ~~Credit may be deducted for late reports.~~

18VAC65-40-340. Supervisors' responsibilities.

A. The supervisor shall provide the intern with all applicable laws and regulations or sections of regulations relating to the funeral industry.

B. The supervisor shall provide the intern with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide the intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to ~~conduct all necessary arrangements for~~ assist in conducting a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the intern under direct supervision to ~~perform~~ assist in the performance of a minimum of 25 embalmings.

E. The supervisor shall provide the intern with instruction in making preneed funeral arrangements and instruction on the laws and regulations pertaining to preneed funeral contracts and disclosures.

F. The supervisor shall provide instruction on cremation and on the laws and regulations pertaining to cremation.

G. If a training site does not offer preneed funeral planning or cremation services, the supervisor shall arrange for such training at another licensed funeral establishment that does.

18VAC65-40-640. Disciplinary action.

The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the laws or regulations of the Board of Funeral Directors and Embalmers.

**Copy of Emergency Regulations
(Separate licenses)**

Effective: January 5, 2021 to July 4, 2022



Proposed Text

highlight

Action: Licenses for funeral directors and embalmers

Stage: Proposed

4/9/21 6:02 PM

18VAC65-20-130 Renewal of license; registration

A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18VAC65-20-120, submit the renewal form and applicable fee.

1. In order to renew an active funeral service, funeral director, or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18VAC65-20-151.

2. The board shall not renew a license for any licensee who fails to attest to compliance with continuing competency requirements on the renewal form.

B. A person who or entity that desires to renew an expired license for up to one year following expiration shall comply with requirements of subsection A of this section and also submit the applicable fee for late renewal.

C. A person who or entity which that fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18VAC65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

18VAC65-20-140 Reinstatement of expired license or registration

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration for up to three years following expiration. An application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service provider licensee, funeral director and, or embalmer is lapsed three years or less and the applicant is seeking reinstatement, ~~he~~ the applicant shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. When a license is not reinstated within three years of its expiration date, an applicant shall reapply for licensure and pass the state examination.

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. The one-hour requirement on compliance with laws and regulations may be met once every two years by attendance at a meeting of the board or at a committee of the board or 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.

18VAC65-20-154 Inactive license

A. A funeral service licensee, funeral director, or embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee of \$115, be issued an inactive license. The fee for late renewal up to one year following expiration of an inactive license shall be \$40.

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service, funeral directing, or embalming in Virginia.

2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, funeral director, or embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and

2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

18VAC65-20-231 Requirements for a funeral director license by examination

A. To qualify for licensure as a funeral director, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;

2. Have completed a funeral service or funeral directing internship prescribed by the board in regulation;

3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an associate's degree or its equivalent, which consists of at least 60

credit hours of coursework, of which at least 30 hours shall be from a funeral directing program approved by the board;

4. Have successfully completed coursework in the area of pathology as approved by the board;

5. Have passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards; and

6. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-20-232 Requirements for an embalmer license by examination

A. To qualify for licensure as an embalmer, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;

2. Have completed a funeral service or embalming internship prescribed by the board in regulation;

3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an embalming program approved by the board;

4. Have passed the National Board Examination in Sciences or State Board Examination in Sciences of the International Conference of Funeral Service Examining Boards; and

5. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-20-235 Approval of educational programs

All applicants for funeral service licensure as a funeral service licensee are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

18VAC65-20-350 Requirements for licensure by reciprocity or endorsement

A. Licenses for the practice of funeral service, funeral directing, embalming, or its an equivalent license issued by other states, territories, or the District of Columbia

may be recognized by the board and the holder of such license ~~or licenses~~ may be granted a license to practice funeral service, funeral directing, or embalming within the Commonwealth.

Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service, funeral directing, embalming, or ~~its~~ an equivalent license in another state, territory, or the District of Columbia and possesses credentials ~~which that~~ are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

18VAC65-20-500 Disciplinary action

In accordance with the provisions of § 54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board:

1. Breach of confidence. The unnecessary or unwarranted disclosure of confidences by the funeral licensee.

2. Unfair competition.

a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.

b. Consent by a funeral service licensee or funeral director to take charge of a body unless authorized by the person or his agent having the legal right to disposition.

3. False advertising.

a. No licensee or registrant shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of § 54.1-2806 of the Code of Virginia:

(1) Advertising containing inaccurate statements; and

(2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.

c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:

(1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and

(2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.

4. Inappropriate handling and storage of dead human bodies, consistent with § 54.1-2811.1 of the Code of Virginia and regulations of the board. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the

deceased to the public during transportation. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.

5. Failure to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.

6. Conducting the practice of funeral services, funeral directing, or embalming in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.

7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

8. Failure to register as a supervisor for a funeral service an intern or failure to provide reports to the board as required by the Code of Virginia and 18VAC65-40-320.

9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.

10. Conducting activities or performing services that are outside the scope of a licensee's practice or for which the licensee is not trained and individually competent.

18VAC65-20-630 Disclosures

Funeral providers ~~licensees~~ licensees shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in:

APPENDIX I - General Price List;

APPENDIX II - Casket Price List, Outer Burial Container Price List; and

APPENDIX III - Itemized Statement of Funeral Goods and Services Selected.

18VAC65-30-10 Definitions

In addition to those defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Appointee" means the individual selected by the contract beneficiary to arrange a preneed funeral plan on behalf of the contract beneficiary.

"Capper," "steerer," or "shill" means a person who serves to entice another to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale.

"Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the behalf of the contract buyer. Cash advance items may include, ~~but are not limited to,~~ cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

"Consideration," "contract price," or "funds" means money, property, or any other thing of value provided to be compensation to a contract seller or contract provider for the funeral services and funeral goods to be performed or furnished under a preneed funeral contract. Consideration does not include late payment penalties

and payments required to be made to a governmental agency at the time the contract is entered into.

"Contract" means a written, preneed funeral contract, and all documents pertinent to the terms of the contract under which, for consideration paid to a contract seller or a contract provider by or on behalf of a contract buyer prior to the death of the contract beneficiary, a person promises to furnish, make available, or provide funeral services or funeral goods after the death of a contract beneficiary.

"Contract beneficiary" means the individual for whom the funeral services and supplies are being arranged.

"Contract buyer" means the purchaser of the preneed contract.

"Contract provider" means the funeral establishment designated by the contract buyer and contracting with the contract buyer to provide for funeral services and supplies in the preneed funeral contract.

"Contract seller" means the funeral service licensee or funeral director who makes the preneed arrangements with the contract buyer for the funeral service and who makes the financial arrangements for the service and the goods and supplies to be provided.

"Designee" means the individual designated to make arrangements for burial or final disposition of the remains pursuant to § 54.1-2825 of the Code of Virginia.

"Funding source" means the trust agreement, insurance policy, annuity, personal property, or real estate used to fund the preneed plan.

"Funeral supplies and services" means the items of merchandise sold or offered for sale or lease to consumers that will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets, combination units, and catafalques. Funeral goods does not mean land or interests in land, crypts, lawn crypts, mausoleum crypts, or niches that are sold by a cemetery that complies with Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia. In addition, "funeral supplies and services" does not mean cemetery burial vaults or other outside containers, markers, monuments, urns, and merchandise items used for the purpose of memorializing a decedent and placed on or in proximity to a place of interment or entombment of a casket, catafalque, or vault or to a place of inurnment that are sold by a cemetery operating in accordance with Chapter 23.1 of Title 54.1 of the Code of Virginia.

"Guaranteed contract price" means (i) the amount paid by the contract buyer on a preneed funeral contract, and income derived from that amount, or (ii) the amount paid by a contract buyer for a life insurance policy or annuity as the funding source and its increasing death benefit. These amounts shall be accepted as payment in full for the preselected funeral goods and services.

"Income" means the amount of gain received in a period of time from investment of consideration paid for a preneed contract.

"Nonguaranteed contract price" means the costs of items on a preneed funeral contract that are not fixed for the specified funeral goods or funeral services selected and nonguaranteed costs may increase from the date of the contract to the death of the contract beneficiary and the family or estate will be responsible for paying at the time of need for the services and supplies that were nonguaranteed. Cash advance items are not guaranteed.

18VAC65-30-50 Solicitation

A. In accordance with provisions of § 54.1-2806 of the Code of Virginia, a licensee shall not initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees.

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee or a funeral director. Funeral service interns shall not engage in preneed planning or sales.

18VAC65-30-220 Content of preneed contracts

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

PRENEED FUNERAL CONTRACT

for

(Name of Recipient of Services)

_____ (Zip) _____

I. SUPPLIES AND SERVICES PURCHASED

If the prices of goods and services are guaranteed, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased	
I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF	\$ _____
II. FUNERAL HOME FACILITIES	
A. Facilities and Staff for visitation/viewing	\$ _____
B. Facilities and Staff for funeral ceremony	\$ _____
C. Facilities and Staff for memorial service	\$ _____
D. Equipment and Staff for graveside service	\$ _____
(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)	
III. EMBALMING	
A. Normal remains	\$ _____
B. Autopsy remains	\$ _____

IV. OTHER PREPARATION OF THE BODY		\$ _____
(NOTE: List all items that you placed under Other Preparation on your General Price List.)		
V. IMMEDIATE BURIAL		\$ _____
VI. DIRECT CREMATION		\$ _____
VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT		\$ _____
VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME		\$ _____
IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME		\$ _____
X. AUTOMOTIVE EQUIPMENT		
A. Hearse		\$ _____
B. Limousine		\$ _____
(NOTE: List all others that you placed on General Price List.)		
XI. FUNERAL MERCHANDISE		
A. Casket (*describe)		
		\$ _____
B. Outer Burial Container (*describe)		
		\$ _____
C. List any others		
		\$ _____
Supplies Purchased		
Clothing		\$ _____
Temporary marker		\$ _____
Acknowledgment cards		\$ _____
Register/attendance books		\$ _____

Memorial folders	\$ _____
Other	\$ _____
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____
XII. PACKAGE PRICES	
(NOTE: List all package prices by name.)	
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____
Nonguaranteed Goods and Services Purchased	
The actual prices of goods and services below are NOT GUARANTEED. These items may include, but not be limited to, obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:	
SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS:	\$ _____
GRAND TOTAL FOR PRENEED ARRANGEMENTS	
1. Total cost of (guaranteed) services purchased	\$ _____
2. Total cost of (guaranteed) supplies purchased	\$ _____
3. Total estimated cost of nonguaranteed items	\$ _____
GRAND TOTAL	\$ _____
The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home) _____.	
II. GENERAL INFORMATION	
In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:	
A. Buyer:	
B. Funeral Home Providing Services:	
C. Contract seller:	
Employed by: (Funeral Home)	

Virginia Funeral Director License Number:

Method of Funding

A. Insurance

B. Trust

1. Amount to be trusted:

2. Name of trustee:

3. Disposition of interest:

4. Fees, expenses, taxes deducted from earned interest:

5. Buyer's responsibility for taxes owned on interest:

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. Buyer:

B. Insurance Company:

C. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director or Funeral Service Licensee in Virginia: ___yes ___no

Funeral Director or Funeral Service License Number (If Applicable):

Employed by Funeral Home (If Applicable):

D. The life insurance or annuity contract provides either that:

_____ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States; or

_____ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.

III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233

Telephone Number (804) 367-4479

Toll Free Number 1-800-533-1560

FAX: (804) 527-4413

IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law and/or the authority of the Board of Funeral Directors and

Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):

Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page _____ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

The prices for items under supplies and services are not guaranteed.

VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

_____	_____
(Designee of Funeral Home)	(Buyer)
_____	_____
(Funeral Home)	(Contract Date)

VIII. PENALTIES OR RESTRICTIONS

The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances which apply);
4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):
 - A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and
 - B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

Addendum to Preneed Contract

APPOINTEE AGREEMENT

I appoint _____ of (address) _____ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is _____.

Contract Beneficiary: _____ Date: _____

I accept the request of (contract beneficiary) _____ to assist with his/her preneed arrangements.

Appointee: _____ Date: _____

The foregoing was acknowledged before me this _____ day of _____, 19____.

Notary: _____

Date Commission Expires: _____

18VAC65-40-10 Definitions

In addition to words and terms defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Direct supervision" means that a person licensed for the practice of funeral service professional, funeral directing, or embalming is present and on the premises of the facility.

"Supervisor" means a licensed employee at the training site who has been approved by the board to provide supervision for the funeral intern.

"Training site" means the licensed funeral establishment, facility, or institution that has agreed to serve as a location for a funeral service internship and has been approved by the board.

18VAC65-40-40 Fees

A. The following fees shall be paid as applicable for registration:

1. Funeral service, <u>funeral directing, or embalming</u> intern registration	\$150
2. Funeral service, <u>funeral directing, or embalming</u> intern renewal	\$125

3. Late fee for renewal up to one year after expiration	\$45
4. Duplicate copy of intern registration	\$25
5. Handling fee for returned check or dishonored credit card or debit card	\$50
6. Registration of supervisor	\$35
7. Change of supervisor	\$35
8. Reinstatement fee	\$195

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted.

18VAC65-40-90 Renewal of registration

A. The funeral service, funeral directing, or embalming intern registration shall expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service, funeral directing, or embalming intern is responsible for notifying the board within 14 days of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.

18VAC65-40-110 Reinstatement of expired registration

A. A funeral service, funeral directing, or embalming intern whose registration has expired may be reinstated within one year following expiration by payment of the current renewal fee and the late renewal fee.

B. A funeral service, funeral directing, or embalming intern whose registration has been expired for more than one year shall apply for reinstatement by submission of an application and payment of a reinstatement fee. The board may consider reinstatement of an expired registration for up to three years following expiration.

C. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new internship begun.

18VAC65-40-130 Funeral service, funeral directing, or embalming internship

A. The An internship for funeral service, funeral directing, or embalming shall consist of at least ~~3,000~~ 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. For good cause shown, the board may grant an extension of time for completion of an internship.

B. The funeral service intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.

C. A funeral service intern shall receive training in all areas of funeral service.

D. A funeral directing intern shall receive training in all areas of funeral directing, including assisting in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.

E. An embalming intern shall receive training in all aspects of embalming practice, including assisting in at least 25 embalmings, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.

F. An intern registration shall expire upon issuance by the board of a license to practice as a funeral service licensee, funeral director, or embalmer. When an internship has been completed for licensure as a funeral director or as an embalmer, the approval of an additional internship to meet the requirements for licensure as a funeral service licensee may be approved by the board in accordance with § 54.1-2817 of the Code of Virginia and the regulations of the board. Any additional internship granted shall be limited in duration to the time required for completion of hours and cases required for licensure. An internship may not be used to expand the scope of practice of a licensee.

G. An intern shall be identified to the public as a funeral service intern, funeral directing intern, or embalming intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

18VAC65-40-180 Intern application package for funeral service licensure

A. Any person who meets the qualifications of § 54.1-2817 of the Code of Virginia may seek registration with the board as a funeral service intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

18VAC65-40-185 Intern application for funeral directing or embalming licensure

A. An applicant who attests to holding a high school diploma or its equivalent may seek registration with the board as a funeral directing or an embalming intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may approve an application to be a funeral directing or an embalming intern for an individual convicted of a felony, if the applicant has successfully fulfilled all conditions of sentencing, been pardoned, or has had civil rights restored. The board shall not, however, approve an application to be an intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126 of the Code of Virginia. The board, in its discretion, may refuse to approve an application to be a funeral directing or an embalming intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-40-220 Qualifications of training site

A. The board shall approve only an establishment or two combined establishments to serve as the training site or sites that:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have For a funeral service internship, have 50 or more funerals and 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site.; or

4. For a funeral directing internship, have 50 or more funerals over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals, the funeral directing intern may seek approval for an additional training site; or

5. For an embalming internship, have 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of embalmings, the embalming intern may seek approval for an additional training site.

B. The board may grant approval for a ~~resident trainee funeral service or embalming intern~~ to receive all or a portion of the embalming training at a facility of state or federal government or an accredited educational institution.

18VAC65-40-250 Requirements for supervision

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at least two consecutive years in practice and are employed full time in or under contract with the establishment, facility, or institution where training occurs.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.

D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

E. If a supervisor is unable or unwilling to continue providing supervision, the ~~funeral service~~ intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

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

18VAC65-40-280 Supervisor application package

A. A licensee seeking approval by the board as a supervisor shall submit a completed application and any additional documentation as may be required to determine eligibility.

B. The application for supervision of a funeral service, funeral directing, or embalming intern shall be signed by the establishment manager and by the persons who will be providing supervision for embalming ~~and for funeral directing~~, or for the funeral services.

18VAC65-40-320 Reports to the board

A. The intern, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding period; and

2. Be received in the board office no later than 14 days following the end of the completion of 1,000 hours. ~~Late reports may result in additional time being added to the internship.~~

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.

2. Partial reports shall be received in the board office no later than 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. ~~Credit may be deducted for late reports.~~

C. An intern shall not receive credit for training hours on a new 1,000-hour report until the previous 1,000-hour report has been approved by the board.

D. Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the board may deny an additional internship. A funeral directing or an embalming intern may continue to practice for up to 90 days from the completion of internship hours or until the intern 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.

18VAC65-40-340 Supervisors' responsibilities

A. The supervisor shall provide the intern with all applicable laws and regulations or sections of regulations relating to the funeral industry.

B. The supervisor shall provide the intern with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide the funeral service or funeral directing intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to conduct all necessary arrangements for a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the funeral service or embalming intern under direct supervision to perform a minimum of 25 embalmings.

E. The supervisor shall provide the funeral service or funeral directing intern with instruction in making preneed funeral arrangements and instruction on the laws and regulations pertaining to preneed funeral contracts and disclosures.

F. The supervisor shall provide the funeral service or funeral directing intern instruction on cremation and on the laws and regulations pertaining to cremation.

G. If a training site does not offer preneed funeral planning or cremation services, the supervisor shall arrange for such training at another licensed funeral establishment that does.

18VAC65-40-640 Disciplinary action

The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the laws and regulations of the Board of Funeral Directors and Embalmers.

Revisions to
Guidance Document
65-12, Board action on
Confidential Consent
Agreements

Board of Funeral Directors and Embalmers

CONFIDENTIAL CONSENT AGREEMENTS

~~Legislation enacted in 2003~~ Virginia Code § 54.1-2400(14) authorizes the health regulatory boards to resolve certain allegations of practitioner misconduct by means of a *Confidential Consent Agreement* (“CCA”). This agreement may be used by a board in lieu of public discipline, but only in cases involving minor misconduct ~~and non-practice related infractions,~~ where there is little or no injury to a patient or the public, and little likelihood of repetition by the practitioner.

A CCA shall not be used if the board determines there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients, or (ii) conducted his/her practice in such a manner as to be a danger to the health and welfare of patients or the public.

A CCA shall be considered neither a notice nor an order of a health regulatory board, both of which are public documents. The acceptance and content of a CCA shall not be disclosed by either the board or the practitioner who is the subject of the agreement.

A CCA may be offered and accepted any time prior to the issuance of a notice of informal conference by the board. By law, the agreement document must include findings of fact and may include an admission or a finding of a violation. The entry of a CCA in the past may be considered by board in future disciplinary proceedings. A practitioner may only enter into only two confidential consent agreements involving a standard of care violation within a 10-year period. The practitioner shall receive public discipline for any subsequent violation within the 10-year period, unless the board finds there are sufficient facts and circumstances to rebut the presumption that such further disciplinary action should be made public.

Violations of regulation or statute that may qualify for resolution by a Confidential Consent Agreement include, but are not limited to:

- Failure to notify the Board of change of manager within 14 days of change (18VAC65-20-60).
- Failure to obtain required continuing education credit hours within the renewal period without a Board-approved exemption or extension, except in instances where a licensee is found to have untruthfully reported compliance.
- ~~Failure to properly maintain preneed documents.~~
- Failure to provide Q&A disclosures to buyer as part of preneed contract.
- Failure of intern to notify Board of change of supervisor and/or training site.
- Failure to post licenses as required by 18VAC65-20-50.
- Inadvertent breach of confidentiality.

Reaffirm Guidance Documents

65-16, Procedure for Auditing
Continuing Education

Virginia Board of Funeral Directors and Embalmers

Procedures for Auditing Continued Competency Requirements

The Board of Funeral Directors and Embalmers may audit a random sample of licensees to investigate compliance with the Board's continuing competency requirements. The Board may also audit active licensees who, by terms of a Confidential Consent Agreement ("CCA") or a Pre-Hearing Consent Order ("PHCO"), are required to take continuing education ("CE") courses in addition to the continued competency requirements for renewal of a license.

1. Board staff reviews each audit report and either:
 - a. Sends an acknowledgement letter of fulfillment of the continuing competency requirements, or
 - b. Opens a case for probable cause.
2. Once a case is opened for probable cause, Board staff may:
 - a. Issue a CCA if the licensee was truthful in responding to the renewal attestation and the licensee has not previously been found in violation of the CE requirements. For those licensees who fail to meet the CE requirements, the CCA may require the licensee to submit proof of completion of the missing contact hours(s) within 90 days of the effective date of the CCA. Such contact hours cannot be used toward fulfillment of the next annual CE requirement for renewal; or
 - b. Issue a PHCO if the licensee was not truthful in responding to the renewal attestation or if the licensee has previously been found in violation of CE requirements. The following sanctions may apply:
 - (i) Monetary Penalty of \$100 per missing contact hour;
 - (ii) Monetary Penalty of \$300 for a fraudulent renewal certification; and
 - (iii) Submission of proof of completion of the missing contact hour(s) within 90 days of Order entry. These contact hours cannot be used toward the next biennial requirement for renewal.
3. The case will be referred to an informal fact-finding conference if the licensee:
 - a. Fails to respond to the audit or does not wish to sign the CCA or PHCO that is offered; or
 - b. Has previously been disciplined pursuant to a Board Order for not meeting the CE requirements.

Reaffirm Guidance Documents

65-19, Identification of Funeral
Service Interns

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.

Repeal of Documents as Board Guidance Documents

65-5, Reciprocal agreement
with the District of Columbia
Board of Funeral Directors

RECIPROCAL AGREEMENT

Between

Virginia Board of Funeral Directors and Embalmers
Virginia Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
(804) 367-4479

MAY 21 2019
DHP

FDE
MAY 21 2019

and

District of Columbia Board of Funeral Directors
Department of Consumer and Regulatory Affairs
Occupational and Professional Licensing Administration
1100 4th Street, SW, Suite E500
Washington, DC 20024
(202) 442-4320

The Virginia Board of Funeral Directors and Embalmers (hereinafter "Virginia Board") and the District of Columbia Board of Funeral Directors (hereinafter "DC Board") hereby enter into a reciprocal licensure agreement. Under such agreement, the parties agree as follows:

- A. The Virginia Board agrees to accept for licensure a candidate who has been granted licensure in the District of Columbia, provided that the license:
 - 1. Is a primary license issued by the DC Board and the licensee has graduated from an accredited school or college of mortuary science and has successfully passed the National Board Exam of the International Conference of Funeral Service Examining Boards;
 - 2. Is a license for both funeral director and embalmer; and
 - 3. Is current and in good standing.

The candidate must successfully pass the Virginia State Board Examination to fully qualify for Virginia licensure. The candidate will pay all required fees and will request submission of a license verification from the DC Board to the Virginia Board that attests to the following:

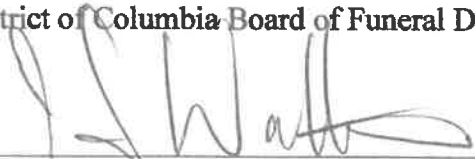
- 1. The license issued in the District of Columbia is a primary license;
- 2. The license issued in the District of Columbia is a dual license for both funeral directing and embalming; and
- 3. The license issued in the District of Columbia is current and unrestricted by disciplinary action.

- B. The DC Board agrees to accept for licensure a candidate who has been granted licensure in Virginia, provided that the license:
1. Is a primary license issued by the Virginia Board and the licensee has graduated from an accredited school or college of mortuary science and has successfully passed the National Board Exam of the International Conference of Funeral Service Examining Boards;
 2. Is a license for both funeral director and embalmer; and
 3. Is current and in good standing.


The candidate must successfully pass the DC Funeral Director Law Exam to fully qualify for DC licensure. The candidate will pay all required fees and will request submission of a licensure verification from the Virginia Board to the DC Board that attests to the following:

1. The license issued in Virginia is a primary license;
2. The license issued in Virginia is a dual license for both funeral directing and embalming; and
3. The license issued in Virginia is current and unrestricted by disciplinary action.

Agreed to and signed this 11 day of July, 2019, by the Virginia Board of Funeral Directors and Embalmers. Agreed to and signed this 2 day of MAY, 2019, by the District of Columbia Board of Funeral Directors.



Joseph Frank Walton, FSL, President
Virginia Board of Funeral Directors and
Embalmers



Justin R. McGuire, Chair
District of Columbia Board of Funeral
Directors

7/11/2019

Date

2 MAY 2019

Date

Repeal of Documents as Board Guidance Documents

65-6, Reciprocal agreement
with the Maryland State Board
of Morticians and Funeral
Directors

**AGREEMENT FOR RECIPROCAL LICENSURE OF LICENSED MARYLAND
MORTICIANS AND VIRGINIA FUNERAL SERVICE LICENSEES**

BETWEEN

**THE MARYLAND STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS
AND THE COMMONWEALTH OF VIRGINIA BOARD OF FUNERAL DIRECTORS
AND EMBALMERS**

WHEREAS:

The Maryland State Board of Morticians and Funeral Directors and the Commonwealth of Virginia Board of Funeral Directors and Embalmers desire to enter into an agreement for the granting of reciprocal mortician, embalmer and funeral director licenses for the mutual benefit of their citizens and licensees;

The Boards have the legal authority to enter into this agreement.

The Boards' education, examination, and experience requirements for licensure of morticians in Maryland and funeral service licensees in Virginia are equivalent.

For the purpose of this agreement, Maryland's term, "Mortician", and the Commonwealth of Virginia's term "Funeral Service Licensee" (Funeral Director and Embalmer combined license) are to be viewed as equivalent titles for one who provides funeral services and practices mortuary science (embalming) in their respective jurisdiction. Likewise, in either jurisdiction, the term "Funeral Director" means one who is licensed to practice all aspects of mortuary science except for embalming. Virginia no longer issues a separate license for either "Funeral Director" or "Embalmer".

NOW THEREFORE, IT IS AGREED THAT:

We, the undersigned representatives of the Maryland State Board of Morticians and Funeral Directors and the Virginia State Board of Funeral Directors and Embalmers, by and through our respective licensing authorities, hereby jointly agree pursuant to Md. Code Ann., Health Occ. § 7-305 (c) (2009 Repl. Vol.) and Chapter 28, of Title 54.1 of the Code of Virginia, that persons licensed as "Morticians" in the State of Maryland may be granted like licensure in the Commonwealth of Virginia, and persons duly licensed as "Funeral Service Licensee" in the Commonwealth of Virginia may be granted like licensure in the State of Maryland in compliance with the terms of this reciprocal licensure agreement.

The applicant shall submit a completed application to include the following:

1. An applicant for licensure by reciprocity in either jurisdiction must provide certification of the applicant's licensure status from the issuing board, including a statement of the licensing board that the applicant has held a license in good standing and has practiced continuously in the state

that the applicant has held a license in good standing and has practiced continuously in the state of Maryland as a mortician or funeral director in the Commonwealth of Virginia for at least 5 years preceding the waiver request;

2. An applicant for licensure must pass an examination on the current existing laws and regulations of the reciprocating jurisdiction.

3. An applicant must pay all required fees in accordance with the current laws of the reciprocating jurisdiction.

4. As a condition of renewal of a reciprocal license, the licensee shall satisfy the continuing education requirements of each jurisdiction by completing courses approved by each state. Any course that has been approved by both jurisdictions may be used by the licensee to satisfy the continuing education requirements for both licenses.

Denial of Licensure

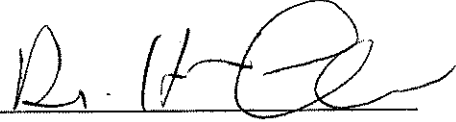
Notwithstanding this agreement, each state has the right to deny licensure to an applicant based on grounds stated in the law or regulations.

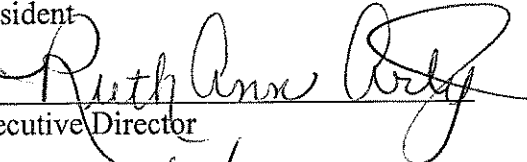
Termination

This agreement waiving certain requirements for State of Maryland Licensees and Commonwealth of Virginia licensees may be terminated at will by the Maryland State Board of Morticians or the Commonwealth of Virginia's Board of Funeral Directors and Embalmers upon 90 days written notice. The Boards agree to provide written notice to each other within 90 days of the effective date of a statutory or other change affecting reciprocal licensing.

Intending to legally bind our respective boards, we hereby execute this agreement on the dates indicated below.


Maryland State Board of Morticians

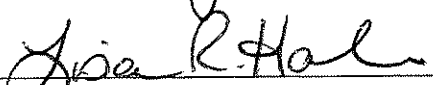
By 
President

By 
Executive Director

Date: 2/8/12

Virginia Board of Funeral Directors and Embalmers

By 
President

By 
Executive Director

Date: 1/17/12

Motion and Adoption of
Guidance Document
65-20, Department of Treasury
Unclaimed Property Audit and
Preneed Contracts

Virginia Board of Funeral Directors and Embalmers

Participation in Virginia Department of Treasury Unclaimed Property Audit

The Division of Unclaimed Property (“DUP”) of the Virginia Department of the Treasury (“Treasury”) is responsible for the administration of the Uniform Disposition of Unclaimed Property Act, Va. Code § 55.1-2500 *et seq.* (“Unclaimed Property Act”). The Unclaimed Property Act requires that efforts be undertaken by business and other entities to locate lost owners of financial assets. If the owners cannot be located, the assets must be transferred to the custody of the DUP, from which those assets can be reclaimed by the owner at any time.

The DUP has determined that there are likely material amounts of unclaimed property associated with unfulfilled preneed contracts, where the beneficiary has been deceased for an extended period of time, but no goods or services have been requested or provided. The DUP is proactively seeking to identify unclaimed preneed assets, work with businesses to return the assets to the rightful owners, and, where assets remain unclaimed, assume custody and conduct ongoing searches for individuals entitled to those lost assets.

In the event DUP determines that a licensee holds such an unfulfilled preneed contract, and requests that the licensee transfer those contract proceeds to the DUP as part of Treasury’s initiative as described here, such a transfer will not be viewed by the Board as a violation of Virginia Code §§ 54.1-2806(B)(2), 54.1-2806(B)(3), or any of the provisions contained in 18VAC65-30.

Any actions taken prior to and independent of working with DUP to identify unfulfilled preneed contracts and transfer funds, however, will remain subject to board review and possible disciplinary action for any potential violations of law brought to the Board’s attention through the complaint process.