

# **APPROVED**

## **BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF LEGISLATIVE/REGULATORY COMMITTEE**

**Tuesday, April 12, 2005  
6603 West Broad Street  
Richmond, Virginia 23230  
Conference Room 1**

**Department of Health Professions**

- CALL TO ORDER:** A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 10:05 a.m.
- PRESIDING:** Willard D. Tharp, Chair
- MEMBERS PRESENT:** J. Michael Williams  
Joseph Jenkins, Jr,  
Randy Minter
- OTHER BOARD MEMBERS PRESENT:** Billie Watson Hughes
- MEMBERS ABSENT:** Robert Burger
- COUNSEL:** Jack Kotvas, Assistant Attorney General
- STAFF PRESENT:** Elizabeth Young, Executive Director  
Elaine Yeatts, Sr. Policy Analyst  
Annie B. Artis, Operations Manager  
Jeanette Meade, Administrative Assistant
- QUORUM:** With 5 members of the Committee present, a quorum was established.
- GUESTS PRESENT:** David Partridge, RSS, Inc.  
Rick Sikon, John Tyler Community College
- ORDERING OF AGENDA:** On a properly seconded motion by Ms. Hughes, the Committee moved to accept the agenda with amendments.
- PUBLIC COMMENT:** None
- HB 2598** Elaine Yeatts reviewed and discussed HB 2598. It was determined that no changes or amendments were required to the resident trainee regulations due to the statutory changes as outlined in HB 2598.

**RESIDENT TRAINEE  
REGULATIONS**

Ms. Yeatts gave a brief overview of HB 2598. Ms. Young stated that as a result of this bill, the special conference committee might have an additional caseload from trainees requesting an extension of their apprenticeship.

Mr. Sikon stated that he would like to have a preceptor program established to properly train supervisors. Mr. Sikon recommended that the students complete their mortuary science degree first and then seek an apprenticeship with the funeral home. This would provide the student with an opportunity to apply what they have learned in school. He also stated that distance learning has decreased the classroom time for students. Ms. Young stated that the Task Force on Resident Trainee Program had recommended the following: allow the student and the schools to structure their program with the flexibility of 3,000 hours; and allow the completion of program on a part-time basis with a minimum of 20 hours per week (with the completion of the program within two years). The change in the program may provide greater flexibility to second career individuals. Mr. Sikon stated that the Commonwealth of Pennsylvania has an excellent preceptorship program. Ms. Young stated that the American Board of Funeral Service Education is also examining the requirement of mortuary school prior to an apprenticeship program with a more cohesive structure.

A motion was made by Mr. Williams to accept the proposal and submit to the Task Force on Resident Trainees. The motion was properly seconded by Mr. Jenkins and carried unanimously.

A motion was made by Ms. Hughes to refer the review of the Resident Trainee regulations and any amendments to of the resident trainee statute to the Task Force on the Resident Trainee program. Mr. Jenkins properly seconded the motion and the Committee voted unanimously.

**PROPOSED 2006  
LEGISLATION**

**PRENEED LAW**

There was lengthy discussion as to whether or not revisions are needed to the current preneed law in order to ensure that the funds received by the consumer are properly handled and distributed at the time of need. Ms. Young stated that §54.1-2822 of the *Code of Virginia* provides appropriate procedures for the proper deposit of preneed funds. It was suggested that the creation of a recovery fund be researched. Many recovery funds, i.e. contractors and real estate assess their licensees yearly or assess each preneed funded contract. It is the intent that a recovery fund requires licensees to be more accountable regarding preneed funded contracts. Ms. Young stated that North Carolina has a recovery fund in place. Mr. Williams made a motion to authorize and instruct the Board Executive, Elizabeth Young, to visit North Carolina to gather information regarding the operation of its preneed funeral contract recovery fund. The motion was properly seconded by Ms. Hughes and the vote carried unanimously by the Committee. Ms. Yeatts suggested that Ms. Young should seek the approval of Mr. Nebiker, Director of Department of Health Professions before visiting North Carolina.

**MANAGER OF RECORD**

There was discussion regarding the manager of record statute. The Committee must decide whether or not the manager of record should be held accountable for all of the activities of the funeral service establishment, even if they were not on the premises or had no knowledge of an issue that occurred at the facility, in their absence.

Mr. Williams referred back to the Board Retreat presentations by Scott Russell from the Board of Pharmacy and Elizabeth Carter from the Board of Veterinary Medicine. He suggested that the Committee examine the strength of the pharmacy laws (54.1-3434) regarding PICs because they make very specific reference to the accountability and responsibility of the pharmacist in charge. Mr. Williams made a motion to have Ms. Young draft the language in the funeral statute (54.1-2810) in order to strengthen our statute to hold the manager of record accountable using the pharmacy statute as a model. The motion was properly seconded by Ms. Hughes and carried unanimously.

**INSPECTION OF**

Mr. Williams asked if there were preventive measures within the crematory statute to prevent a similar situation

**CREMATORIES**

such as in Georgia from occurring in Virginia. Ms. Young stated that the State of Washington had a very good inspection report and that the Board may consider reviewing it. Mr. Tharp stated that the Cremation Association of North America (CANA) model law would also be helpful to review. He further believes that Virginia needs a comprehensive cremation law. Ms. Hughes made a motion to have Ms. Young and Ms. Yeatts draft new language and prepare it for review at the May 10<sup>th</sup> board meeting. The motion was properly seconded by Mr. Minter and carried unanimously.

Ms. Hughes stated that the Virginia Board of Funeral Directors and Embalmers appeared to be a trailblazer at the Annual Convention of the International Conference of Funeral Service Examining Board. She stated that all proposed programs discussed have been implemented in Virginia. Ms. Young stated that our website is a big asset and few other states provide such information.

Ms. Young informed the Board that at the Conference in Arkansas, Ms. Hughes was elected to the Board of Directors of the International Conference representing District II: Virginia, Maryland, D.C., New Jersey and Delaware.

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 11:30 a.m.

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Willard D. Tharp, Chair

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Beth Young, Executive Director

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Date

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Date