

UNAPPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF BOARD MEETING

Tuesday, June 6, 2006
6603 West Broad Street, 5th Floor
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 9:20 a.m.

PRESIDING

Billie Watson Hughes, Chair

MEMBERS PRESENT:

Joseph Jenkins, Jr.
Randolph T. Minter
Walter Ball
Willard D. Tharp
Rev. Alane C. Miles
Michael J. Leonard
Barry Murphy
Robert B. Burger, Jr.

COUNSEL:

Jack E. Kotvas, Assistant Attorney General

STAFF PRESENT:

Elizabeth Young, Executive Director
Sandra Ryals, Deputy Executive Director
Annie B. Artis, Operations Manager
Elaine Yeatts, Senior Policy Analyst
Stacy E. Lee, Administrative Assistant

QUORUM:

With nine members present, a quorum was established.

GUESTS PRESENT:

Susan Motley, Virginia Funeral Directors Association
Meredyth Partridge, Regulatory Support Services, Inc.
Sherri Douglass, Regulatory Support Services, Inc.
Joe Fielden, Regulatory Support Services, Inc.

ORDERING OF THE AGENDA:

Mr. Minter made a motion to accept the agenda as written. The motion was seconded by Mr. Tharp. The vote carried unanimously.

PUBLIC COMMENT:

There was no public comment.

REVIEW OF MINUTES

Mr. Ball made a motion to accept the minutes of the Board meeting of March 7, 2006 as amended. The motion was properly seconded by Mr. Leonard. The vote carried unanimously.

Mr. Leonard made a motion to accept the minutes as amended of the Formal Hearing of March 7, 2006. The motion was properly seconded by Rev. Miles. The vote carried unanimously.

Mr. Murphy made a motion to accept the minutes of the Legislative/Regulatory Committee meeting of March 22, 2006. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Mr. Leonard made a motion to accept the minutes of the Legislative/Regulatory Committee meeting of April 19, 2006. The motion was properly seconded by Minter. The vote carried unanimously.

Mr. Leonard made a motion to accept the minutes of the Legislative/Regulatory Committee meeting of May 3, 2006. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

Rev. Miles made a motion to accept the minutes as amended of the Continuing Competency Committee meeting of May 3, 2006. The motion was properly seconded by Mr. Murphy. The vote carried unanimously.

Mr. Tharp made a motion to accept the minutes as amended of the Task Force on Cremation Laws and Regulations meeting of May 4, 2006. The motion was properly seconded by Mr. Leonard. The vote carried unanimously.

NEW BUSINESS

Recommendation of Adoption of New Terminology

Ms. Yeatts gave a brief overview of the recommendation to adopt change of new terminology to "funeral service intern" from "resident trainee".

Mr. Tharp made a motion to accept the proposed changes as recommended. The motion was properly seconded by Mr. Leonard. Please see Attachment I – ~~Resident Trainee~~ **Funeral Service Intern Program** For ~~Funeral Service~~ for all changes.

Report from the Annual Convention of the International Conference

Ms. Hughes gave a report regarding the 102nd Annual Convention of the International Conference that was held in Louisville, Kentucky, April 5-9, 2006. Ms. Hughes stated that Ms. Young was elected as Vice President of the Association of Executives of Funeral Services Boards, Paul Harris, Executive Director of North Carolina Board was elected President, and Lynn Armstrong Patterson, President of the District of Columbia Board was elected Secretary. Ms. Hughes further stated she was honored to have been elected as the Secretary-Treasurer of the International Conference. Please see Attachment 2 for Ms. Hughes' entire report. Ms. Young provided a report from the meeting of the Association of Executives of Funeral Service Programs. See attached report. She also suggested that Virginia possibly host one of the conventions in the near future. She suggested that the Tourism Bureau be contacted, in addition to asking the International Conference about bid proposals.

Board of Health Professions Meeting of April 18, 2006

Mr. Jenkins is the Board of Health Professions representative from the Board and attended the meetings on April 18, 2006. Ms. Young provided the minutes from the meetings as information for review by the board. Ms. Ryals stated that as a part of the Governor's Executive Order, Virginia would like to bring in additional people to the state. She stated that Virginia is hosting the Council on Licensure, Enforcement and Regulation (CLEAR) conference this year. Ms. Hughes stated she will be attending the conference which will be held in Alexandria, Virginia.

Also, Ms. Ryals stated that the Department of Health Professions will serve as co-host for the Citizen Advocacy Center annual convention in Williamsburg, VA from October 17-20, 2006. Ms. Ryals stated the Board of Health Professions will hold a retreat during the convention and Dr. Carter has asked that two representatives from each board attend the retreat. Ms. Young further reiterated the importance of this Board being represented at the retreat to be held at the Williamsburg Hospitality Center in Williamsburg, VA from October 17-20, 2006.

Elections

Ms. Hughes made a motion to nominate Mr. Tharp as Secretary-Treasurer of the Board. The motion was properly seconded by Mr. Minter. The vote carried unanimously. Mr. Leonard made a motion to rescind the motion to nominate Mr. Tharp as Secretary-Treasurer. The motion was properly seconded by Rev. Miles. The vote carried unanimously.

Mr. Tharp made a motion to nominate Mr. Minter as Secretary-Treasurer of the Board. The motion was properly seconded by Mr. Leonard. The vote carried unanimously.

Ms. Hughes made a motion to nominate Mr. Tharp as Vice-President of the Board. The motion was properly seconded by Rev. Miles. The vote carried unanimously.

Ms. Hughes made a motion to nominate Mr. Murphy as President of the Board. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Examinations

Ms. Young stated that within the last several months twenty-five of thirty-six applicants have passed the funeral law examination. She stated that pre-need funeral planning questions appear to be a problem area for applicants. Mr. Leonard asked if the Board was allowed to request that colleges offer pre-need courses. Ms. Hughes stated that she has spoken with John Tyler Community College and Norfolk State University about adding pre-need courses. Mr. Burger stated that the trainees have no knowledge regarding pre-need and suggested that the Board send a letter to the licensees encouraging them to train the trainees about preneed funding contracts. Mr. Minter agreed that posting the exam applicants' statistics on our website and perhaps listing them in the Board newsletter would be helpful. Mr. Tharp stated that the Board should not spoon-feed the applicants because the information can be found in the regulations.

Cemetery Board

Ms. Young stated that the next meeting of the Cemetery Board is scheduled to be held on June 7, 2006 at 9:00 a.m. Young stated that she is still working with the Administrator of the Cemetery Board to plan a joint meeting.

Richmond Times Dispatch Article

Ms. Young commented regarding the recent article in the Richmond Times-Dispatch and the subsequent memo received by the Board from Meredyth Partridge of RSS, Inc. Ms. Young explained that she worked with the author, Iris Taylor, and they discussed a lot of information. Ms. Young asked that Ms. Motley share with the Board how her interview went with Ms. Taylor. Ms. Motley stated that she met with Ms. Taylor for approximately

five hours; however, she did not use any of the information provided to her; she focused her article totally on pre-need. Ms. Motley further stated that Ms. Taylor's article was a disservice to the funeral industry; however, no one cannot control what newspaper editors write. She stated that she has given about five interviews to the Richmond Times Dispatch over the years and this type of thing occurred in each instance. Ms. Hughes thanked Ms. Motley for her support of the Board. Mr. Leonard stated he was interviewed by a newspaper and when the article appeared in the paper, the information was not remotely related to the issues that were discussed. Ms. Young stated that she does all that she can to protect the Board and more importantly, the consuming public. She further states that she regrets that there are negative feelings or press for anyone. She thought doing the interview would provide a good education tool for everyone. She stated that Mr. Nebiker was very supportive of her efforts. The Board's recommendation to Ms. Young was the following: 1) Have another Board member present when interviews are conducted; 2) Have a written response to questions; and 3) Have a president and executive director collective meeting. Mr. Kotvas reminded Ms. Young that having two or three board members present would constitute a meeting; therefore, having one board member present during such an interview would be permissible.

Casket Store Litigation in other states

Ms. Young provided information regarding other states' casket store litigation for the Board's review.

OLD BUSINESS

Legislative/Regulatory Committee

Proposal Identifier Number – FDE-1

Mr. Burger made a motion to accept and approve FDE #1. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

Proposal Identifier Number – FDE-4

Mr. Burger made a motion to defer the legislation, no specified time. The motion was properly seconded by Ms. Hughes. The vote carried unanimously.

Proposal Identifier Number – FDE-5

§54.1-2825. Person to make arrangements for disposition of remains.

Any person may designate by written agreement, in a signed and notarized writing, which has been accepted in writing by the person so designated, an individual who shall be

responsible for making arrangements for his burial for the disposition of his remains, including cremation, upon his death. The person so designated supersedes the wishes of any other next of kin as defined in §54.1-2800.

Rev. Miles made a motion to accept and approve FDE-5 as amended. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Report of the Initial and Renewal Application of Waiver of Full-time Manager Requirements

Ms. Young provided this report for informational purposes to the board. In the report the facility, Doynes-Burger-Davis Funeral Home is to be corrected as Doyne-Burger-Davis Funeral Home.

Report from Agency Subordinate – Informal Conferences

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS

Mr. Kotvas provided an overview of the Board procedures in which the individuals appeared.

Closed Session

Mr. Tharp moved that the Board of Funeral Directors and Embalmers convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:29 a.m. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Tharp moved that Ms. Young, Ms. Artis, Ms. Lee and Mr. Kotvas attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Board in its deliberations. The motion was properly seconded by Ms. Hughes and carried unanimously.

Reconvene:

The Board reconvened in open session at 12:10 p.m.

Mr. Minter left the meeting.

Mr. Tharp moved that the Board of Funeral Directors and Embalmers certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was properly seconded by Rev. Miles and carried unanimously.

Mr. Burger moved to accept the recommendation that the current certificate be retained and the traineeship of Mr. John Cooper will be extended until March 1, 2007, at which time he will be required to hold a valid license as a funeral service licensee. The motion

was properly seconded by Mr. Tharp and carried unanimously.

Rev. Miles moved to accept the recommendation to REVOKE the certificate of Mr. Clifton Meadows. The motion was properly seconded by Mr. Burger and carried unanimously.

Mr. Leonard moved to accept the recommendation to issue a certificate to practice as a funeral service trainee in Virginia to Mr. James Rhoton. The motion was properly seconded by Mr. Ball and carried unanimously.

Mr. Tharp moved to accept the recommendation to REVOKE the certificate of Mr. Kerry Smith. The motion was properly seconded by Mr. Burger and carried unanimously.

Rev. Miles moved to accept the recommendation that the current certificate be retained and the traineeship of Mr. Donald Watts will be extended until September 30, 2007. The motion was properly seconded by Mr. Jenkins and carried unanimously. Mr. Leonard and Mr. Murphy recused themselves.

Mr. Tharp moved to accept the recommendation to REVOKE the certificate of Mr. Jason Healy. The motion was properly seconded by Mr. Jenkins and carried unanimously. Mr. Murphy recused himself.

Mr. Murphy moved to accept the recommendation that the certificate is retained and an extension be granted until September 30, 2007 to Mr. Paxton Crawley. The motion was properly seconded and carried unanimously.

Rev. Miles moved to accept the recommendation for an extension of time to complete the requirements to be licensed with terms and conditions regarding Ms. Renee Battle. The motion was properly seconded by Mr. Tharp and carried unanimously.

Mr. Murphy moved to accept the recommendation with amendment of having deficiencies corrected within thirty days regarding Ms. Knight. The motion was properly seconded by Mr. Leonard and carried unanimously. Rev. Miles recused herself.

Mr. Tharp moved to accept the recommendation to REVOKE the certificate of Mr. Delton Agnor. The motion was properly seconded by Mr. Burger and carried unanimously.

Executive Director's Report

Licensee Statistics

Ms. Young gave a brief report regarding licensee status.

Disciplinary Statistics

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Ms. Young stated that there are currently ninety disciplinary cases, including subordinate cases. She further stated that there are five informal hearing cases with a subordinate pending.

Budget

Ms. Young stated that there is still a deficit within the budget. She stated that there will be a public hearing to discuss the increase of fees.

Board Calendar

Ms. Young stated that the next meeting of the Task Force on Cremation Laws and Regulations would be changed on the calendar from July 18, 2006 to July 19, 2006 at 9:00 a.m. She also added to the calendar, the public hearing to be held on July 18, 2006 at 9:00 a.m. to discuss fee increases. Ms. Young reminded the board that there be will be hold a public hearing on its legislation and a public forum on June 21, 2006 at the Marriott-Waterside in Norfolk, Virginia from 1:00 to 2:00 p.m.

Presentation of Plaques:

Mr. Murphy presented plaques to Mr. Jenkins and Rev. Miles for their dedication, commitment and years of service to the Virginia Board of Funeral Directors and Embalmers.

ADJOURNMENT:

With no further business, the committee adjourned at 12:35 p.m.

Billie Watson Hughes, Chair

Elizabeth Young, Executive Director
