

October 6, 2020

The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a full board meeting on Tuesday, October 6, 2020, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

BOARD MEMBERS PRESENT:

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

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, M.D., Deputy Director, DHP (Virtual)
Erin Barrett, Assistant Attorney General, Board Counsel (On-Site)
David Brown, D.C., Director, DHP (Virtual)
Sarah Georgen, Licensing and Operations Manager (On-Site)
Kelley Palmatier, Deputy Executive Director (Virtual)
Corie Tillman Wolf, Executive Director (Virtual)
Heather Wright, Program Manager (On-Site)
Elaine Yeatts, Sr. Policy Analyst (Virtual)

OTHER GUESTS PRESENT (VIRTUAL)

Suja Amir
David Bashline, FSL
Angela Bezik, Virginia Funeral Directors' Association
Chris Doughty
Paul Harris, Regulatory Support Services, Inc.
Caressa Hughes
Scott Johnson
Bo Keeney, Association of Independent Funeral Homes of Virginia
Bruce Keeney, Association of Independent Funeral Homes of Virginia
Chavela Painter*
Kate Masters
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge
Samuel Rhue, Sr., FSL, John Tyler Community College
Barry Robinson, Virginia Mortician's Association

Laurence Spiaggi, FSL
Lauren Thomas, The International Conference of Funeral Service Examining Boards
Ben Traynham
Lacy Whittaker, Virginia Funeral Directors' Association

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

CALL TO ORDER

Ms. Mimms called the meeting to order at 10:00 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Ms. Mimms provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Ms. Mimms provided reminders to the Board and public regarding WebEx functions. She completed a roll call of the Board members and staff.

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

Ms. Mimms welcomed Joseph Michael Williams, FSL as a new Board member. She announced that Mr. Williams was appointed to the Board to fill the seat previously held by Connie Steele, FSL.

Ms. Mimms read the mission of the Board, which is also the mission of the Department of Health Professions.

APPROVAL OF MINTUES

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Slusser, the Board voted to accept the July 14, 2020 to September 22, 2020 minutes in block, including a Board meeting on July 14, 2020, the first Regulatory Advisory Panel meeting on August 14, 2020, a second Regulatory Advisory Panel meeting on September 1, 2020, and informal conferences held on July 14, 2020 and September 22, 2020. The motion carried (8-0). Mr. Williams experienced technical difficulties and was not available to vote on this motion.

ORDERING OF THE AGENDA

Upon a **MOTION** by Mr. Slusser, properly seconded by Mr. Walton, the Board voted to accept the agenda as written. The motion carried (8-0). Mr. Williams experienced technical difficulties and was not available to vote on this motion.

PUBLIC COMMENT

Written public comment (Attachment A) was provided by Christopher Carter, Sr. with C.C. Carter Funeral Home, Ralph DeStefano, FSL with Service Corporation International, Barry Robinson with the Virginia Mortician's Association, Joshua Slocum with the Funeral Consumers Alliance, Steve Metzger with Carriage Services, and Tim Nicholson with Cremation Society of Virginia.

The Board did not receive any requests to provide verbal public comment.

AGENCY REPORT

Dr. Brown congratulated Ms. Mimms on being reappointed to the Board of Funeral Directors and Embalmers and spoke to the essential work necessary to protect the public while on the Board.

Dr. Brown provided an update on DHP functions during the COVID-19 pandemic and stated that DHP had closed the building to the public and invested in telework options. He stated that DHP continues to abide by the mandate to wear masks in the building and has continued to conduct meetings virtually. He stated that if in-person meetings are necessary, DHP is ensuring adequate social distancing in the meeting rooms.

Dr. Brown reported that the Board of Health Professions had conducted sunrise reviews on two new professions and had recommended that there is no need to regulate medical sonographers and naturopathic doctors in the Commonwealth of Virginia.

Dr. Brown provided an update on state-level workgroup activities related to adult and medical use of marijuana. He stated that the Joint Legislative Audit and Review Committee (JLARC) also has been tasked with the review of adult and medical use of marijuana.

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

STAFF REPORTS

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

Welcome and Congratulations

Ms. Tillman Wolf welcomed Joseph Michael Williams, FSL to the Board, and offered congratulations to Ms. Mimms on her reappointment to a second-term on the Board.

COVID Response

Ms. Tillman Wolf provided an overview of the current COVID statistics provided by the Virginia Department of Health.

Ms. Tillman Wolf provided information on the Mass Fatality Taskforce, in which she participates in monthly meetings convened by the Office of the Chief Medical Examiner (OCME).

Ms. Tillman Wolf reported on the survey sent to facility licensees in collaboration with the OCME to collect information from establishments and crematories related to storage and handling capacity for decedents. She reported that the survey was sent electronically in August, and was extended into September to receive additional data. The survey had an approximately 16.5% response rate.

Since the July meeting, the Virginia Department of Labor and Industry (DOLI) issued their emergency temporary standards for infectious disease prevention to establish requirements for employers to control, prevent, and mitigate spread of COVID-19. She reported a specific reference to “mortuary services” in the “high” exposure risk area with healthcare, first responders, and medical transport services.

Board Operations

Ms. Tillman Wolf reported that Board operations have continued since the beginning of the pandemic. She reported on the continuing education (CE) extension previously granted for six (6) months beyond the March 31 renewal deadline expired on September 30, 2020. She said that the Board would be following up with those that had requested an extension.

Ms. Tillman Wolf reported that Board staff continues to telework and to conduct meetings virtually.

Ms. Tillman Wolf stated that facility inspections had resumed. Ms. Tillman Wolf thanked DHP Senior Inspectors Wendy Ashworth and Leith Ellis who assisted with inspections training with the Association of Independent Funeral Homes of Virginia on July 22, 2020.

Items on the Radar

Ms. Tillman Wolf stated that the Board has received cremation-related inquiries regarding the authorization for cremation as it relates to donor bodies, remote viewings by the Medical Examiner for cremation authorization, and the Electronic Death Registration System (EDRS) cremation module.

Ms. Tillman Wolf reported that the Board has received an inquiry into the use of Alkaline Hydrolysis as means of disposition and stated that it might require discussion at future meetings.

Additionally, Ms. Tillman Wolf reported on the continued inquiries regarding and additional applications for registration of Surface Transportation and Removal Services.

Ms. Tillman Wolf reported on the upcoming regulatory training offered by The International Conference of Funeral Service Examining Boards for Board Members and staff on October 28-29, 2020.

Expenditure and Revenue Summary as of August 31, 2020

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of August 31, 2020.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$19,425
<u>Less FY21 Direct & In-Direct Expenditures</u>	<u>\$119,621</u>
Cash Balance as of August 31, 2020	\$657,027

2021 Board Meeting Dates

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

- January 19, 2021
- April 6, 2021
- July 13, 2021
- October 12, 2021

Notes and Reminders

Ms. Tillman Wolf reminded Board Members to contact her with any requests for Training Presentations.

Additionally, she reminded Board Members that conduct at virtual Board meetings should be the same as in-person meetings. She also reminded the Board that the virtual meetings were recorded with posted audio and/or video along with the Board meeting minutes.

She reminded Board members to contact Board staff with any changes to contact information.

Ms. Tillman Wolf thanked the Board members for their patience and service to the Board during the pandemic.

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of October 2, 2020, Ms. Palmatier reported the following disciplinary statistics:

- 35 Patient Care Cases
 - 0 at Informal
 - 1 at Formal
 - 11 at Enforcement
 - 23 at Probable Cause
- 19 Non Patient Care Cases
 - 0 at Informal
 - 1 at Formal
 - 6 at Enforcement
 - 12 at Probable Cause
- 14 at Compliance

Ms. Palmatier stated that the Clearance Rate was 36% (Goal is 100%) – 11 cases received, 4 cases closed. Ms. Palmatier stated that the caseload over 250 days was 14% (Goal under 20%) with 5 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 0%. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 50% with 2 cases closed. She reported cases closed within 415 days is 100% with 4 cases closed.

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

- Q1 2018 – 12/14
- Q2 2018 – 8/7
- Q3 2018 – 12/18
- Q4 2018 – 13/24
- Q1 2019 – 26/13
- Q2 2019 – 23/6
- Q3 2019 – 18/25
- Q4 2019 – 10/16
- Q1 2020 – 20/20
- Q2 2020 – 35/21
- Q3 2020 – 17/30
- Q4 2020 – 16/13

Percentage of all cases closed in 365 days

	Q3-19	Q4-19	Q1-20	Q2-20	Q3-20	Q4-20
FDE	100%	73.3%	80.5%	90.3%	68.1%	88.9%
Agency	76.4%	82.3%	80.6%	72.9%	74.3%	75.8%

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:

Licensure Statistics – All Licenses

License	October 6, 2020	July 13, 2020	Difference (+/-)
Funeral Service Licensees	1530	1,506	24
Funeral Director	33	33	0
Embalmer Only	2	2	0
Supervisors	603	591	12
Interns	212	193	19
Establishments	413	411	2
Branch Establishments	86	86	0
Crematories	116	112	4
CE Providers	9	9	0
Courtesy Card Holders	109	105	4
Surface Transport & Removal Svc.	52	48	4

Total (*not incl. supervisors)	2,562	2,505	57
---------------------------------------	-------	-------	----

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett did not have a report to provide.

COMMITTEE AND BOARD MEMBER REPORTS

Board President Report – Mia Mimms, FSL, Board President

Ms. Mimms stated that it had been a pleasure to serve as President of the Board during the last year. She thanked the Board and staff for their help through virtual meetings. She expressed her appreciation for being able to serve and specifically thanked Mr. Slusser and Dr. Hickey for their roles as officers of the Board and support.

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

Mr. Jones reported personal technical issues during the last Board of Health Professions meeting and was unable to provide an update.

Dr. Allison-Bryan reported on the Board of Health Professions studies regarding diagnostic medical sonographers and naturopathic physicians. She reported that the Board of Health Professions had conducted sunrise reviews on these professions, and had recommended not to regulate these professions at this time.

Additionally, Ms. Tillman Wolf noted that the last meeting minutes of the Board of Health Professions were included in the agenda packet for review.

The International Conference of Funeral Service Examining Boards – Blair Nelsen, FSL

Mr. Nelsen reported on the Conference’s plan to convene district meetings, including a meeting for District Two which consists of Virginia, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, and the District of Columbia in November 2020, which is open to Board Members and Administrators. He stated that more information would be distributed soon.

LEGISLATION AND REGULATORY ACTIONS

Legislation/Regulatory Updates

Ms. Yeatts reported that all chapters of the Board’s Regulations have regulatory action in process. She reported that the Regulations of the Virginia Board of Funeral Directors and Embalmers (Chapter 20) and the Regulations for Preneed Funeral Planning (Chapter 30) are in the final stage of the Periodic Review and are currently under review at the Secretary’s Office. She reported that the proposed Regulations for the Funeral Service Internship Program (Chapter 40) were at the Governor’s office for approval.

Ms. Yeatts reminded the Board Members that the main agenda item was the adoption of emergency regulations pursuant to legislation that was passed at the General Assembly 2020 session, which requires the Board to have regulations in effect within 280 days of enactment (January 14, 2021). She stated that once the regulations are approved at today's meeting, they would be forwarded to the Office of the Attorney General for review and approval, to the Department of Planning and Budget, to the Secretary of Health and Human Resources, and finally to the Governor's Office. She reminded the Board that the emergency regulations stay in effect for 18 months from the effective date, then must be replaced with permanent regulations.

BREAK

The Board took a break at 10:55 a.m. and returned at 11:07 a.m.

BOARD DISCUSSIONS AND ACTIONS

Consideration of Regulatory Advisory Panel (RAP) Recommendations – Mia Mimms, FSL

Ms. Mimms reported that the Regulatory Advisory Panel (RAP) convened on August 14, 2020 and on September 1, 2020 and included stakeholders and individuals interested in the process to provide their technical assistance to the Board regarding the Board's adoption of regulations for the licensure of funeral directors and embalmers as separate license types. Ms. Mimms thanked the panel members for their participation. Ms. Mimms reviewed the recommendations of the RAP with the Board.

The Board discussed the RAP recommendations, including the education, examination, and experience requirements for the separate license types.

BREAK

The Board took a break at 12:18 p.m. and returned at 12:30 p.m.

Adoption of Emergency Regulations for Licensure of Funeral Directors and Embalmers (SB 1044, 2020 Acts of Assembly Ch. 943)

Mr. Nelsen made a **MOTION**, properly seconded by Dr. Hickey, to delete the terms "anatomy" and "pathology" from the educational coursework requirements of funeral directors, and to amend the training language in the internship regulations to include proof of completion of OSHA Bloodborne pathogen training, as well as, training in universal precautions, and that the language include that the individual should have at least an associate's degree or equivalent and have completed a course in funeral directing from a Board-approved school.

The Board members discussed the motion.

Mr. Nelsen restated the **MOTION**, properly seconded by Dr. Hickey, to amend the draft of the proposed Regulations Governing the Practice of Funeral Directors and Embalmers (18VAC65-20-231(A)(3); Requirements for a funeral director license by examination) related to education to remove the language requiring completion of coursework in anatomy and pathology, to amend the draft for 18VAC65-20-350 to

include reference to funeral directing and embalming, and to amend draft language for 18VAC65-40-130(D) to require Bloodborne pathogens and universal precautions training be completed during the internship program. The motion failed (5-4) (Aye: Hickey, Hanif, Nelsen, Mimms; Nay: Slusser, Graves, Jones, Williams, Walton).

The Board further discussed the RAP recommendations, including the education, examination, and experience requirements for separate license types.

Mr. Walton made a **MOTION**, properly seconded by Mr. Jones, to approve the original recommendations from the Regulatory Advisory Panel (RAP) for licensure of funeral directors, with the deletion of the proposed completion of a course in anatomy. The motion carried (6-3) (Aye: Slusser, Hanif, Graves, Jones, Walton, Mimms; Nay: Hickey, Nelsen, Williams).

Upon a **MOTION** by Mr. Walton, properly seconded by Mr. Jones, the Board voted to adopt the Emergency Regulations for Licensure of Funeral Directors and Embalmers for Chapters 20, 30, and 40 of the Board's Regulations (18VAC65-20-10 et seq., 18VAC65-30-10 et seq., 18VAC65-40-10 et seq.) pursuant to SB 1044, Ch. 943 of the 2020 Acts of Assembly, as presented and as amended, to include the amendments discussed to the provisions for endorsement, and to adopt a Notice of Intended Regulatory Action to replace the emergency regulations with permanent regulations. The motion carried (6-3) (Aye: Slusser, Walton, Graves, Hanif, Jones, Mimms; Nay: Hickey, Nelsen, Williams). (Attachment B)

BREAK

The Board took a break at 1:34 p.m. and returned at 1:51 p.m.

Discussion – Updates to State Laws, Rules, and Regulations (LRR) Exam – Corie Tillman Wolf, JD, Executive Director

Ms. Tillman Wolf provided the Board with non-confidential information regarding the updates to the State Laws, Rules, and Regulations (LRR) Examination. She stated that, in addition to routine updates, there is now a need to review the examination to ensure the applicability to all license types. Ms. Tillman Wolf stated that she has budgeted the costs associated with the changes to the fiscal year. She stated that the Board's Examination Committee would be convened in mid-November to discuss updates to questions and build a blueprint. Ms. Tillman Wolf expected these changes to be effective February 1, 2021, if no complications arise.

OLD BUSINESS

Location of Preparation Room at Funeral Establishment Property – Corie Tillman Wolf, JD, Executive Director

Ms. Tillman Wolf reported on a specific question received on whether a funeral home can have an embalming/preparation room on-site or on-property but not physically located within the main building of an establishment.

Upon a **MOTION** by Mr. Slusser, properly seconded by Mr. Walton, the Board voted to table this issue until the next meeting and to consider possible guidance at that time. The motion carried 9-0.

Election of Officers – Mia Mimms, JD, President of the Board

Ms. Mimms stated that in accordance with the Bylaws, at the first regularly scheduled meeting of the organizational year, the Board shall elect its officers.

She announced that three written nomination forms were received – two for Secretary-Treasurer and one that had asked for consideration for any position. The written nomination forms were distributed to the Board members prior to the meeting.

Ms. Mimms provided remarks regarding the process for making additional floor nominations.

Ms. Mimms read the nomination form from Jason Graves, which had not been previously distributed to the Board.

Mr. Nelsen removed his request for nomination as Secretary-Treasurer.

Ms. Mimms stated that one nomination from Dr. Hickey had been received to be considered for any position.

Election for President

Ms. Mimms opened the floor for additional nominations for President of the Board of Funeral Directors and Embalmers. Mr. Hanif nominated Mr. Slusser for position of President.

Ms. Mimms closed the nominations for President.

Ms. Mimms asked for a verbal vote on the two nominations for President of the Board of Funeral Directors and Embalmers.

By unanimous vote of 9-0, Mr. Slusser was elected as President of the Board of Funeral Directors and Embalmers.

Election for Vice-President

Ms. Mimms opened the floor for additional nominations for Vice-President of the Board of Funeral Directors and Embalmers. Mr. Hanif nominated Dr. Hickey for position of Vice-President.

Ms. Mimms closed the nominations for Vice-President.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Williams, the Board voted to elect Dr. Hickey for the position of Vice-President of the Board of Funeral Directors and Embalmers.

By unanimous vote of 9-0, Dr. Hickey was elected as Vice-President of the Board of Funeral Directors and Embalmers.

Election for Secretary-Treasurer

Ms. Mimms opened the floor for additional nominations for Secretary-Treasurer of the Board of Funeral Directors and Embalmers. Mr. Nelsen nominated Mr. Graves for position of Secretary-Treasurer.

Ms. Mimms closed the nominations for Secretary-Treasurer.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Dr. Hickey, the Board voted to elect Mr. Graves for the position of Secretary-Treasurer of the Board of Funeral Directors and Embalmers.

By unanimous vote of 9-0, Mr. Graves was elected as Secretary-Treasurer of the Board of Funeral Directors and Embalmers.

CONTINUING EDUCATION CREDIT

Ms. Mimms provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 65-20-151. She announced that continuing education would be awarded to those that provided their first name, last name, license number, and the meeting code by email to fanbd@dhp.virginia.gov by October 13, 2020.

NEXT MEETING

The next meeting date is January 19, 2021.

ADJOURNMENT

With all business concluded, the meeting adjourned at 2:16 p.m.

A video recording of this meeting can be accessed at:
https://www.dhp.virginia.gov/funeral/fun_calendar.htm

Mia Mimms, JD, FSL, Board President

Corie Tillman Wolf, J.D., Executive Director

Date

Date

On Thu, Sep 3, 2020 at 7:21 PM CHRISTOPHER CARTER

<CHRISTOPHERCAR*****@msn.com> wrote:

Corie E. Tillman Wolf, J.D., Executive Director

Board of Funeral Directors and Embalmers 9960 Mayland Drive, Suite 300 Henrico,
Virginia 23233-1463

Dear Ms Tillman Wolf,

My reason for writing today is with regard to the proposed educational requirements for a funeral director, passed by the Regulatory Advisory Panel on September 1, 2020.

As a funeral home owner who do not want to be and embalmer, I am concerned about the inclusion of anatomy and pathology courses as part of the curriculum. In the interest of serving the public in a rapidly changing environment, the need for professionals licensed to arrange and direct funerals is paramount. Anatomy and pathology are not applicable to these responsibilities. These courses have been included with funeral service education as they relate to embalming. A curriculum, which includes business courses, communication, law and accounting, seems more pertinent to the role of a funeral director.

During the panel discussion, the inclusion of said course were deemed important since funeral directors may be involved in the transportation of deceased individuals. However, OSHA Blood borne Pathogens training would address concerns related to funeral director candidates who may participate in those tasks.

Upon review of funeral director programs, currently available in the United Sates, I noticed they do not include anatomy and pathology. Our company employs funeral directors in 44 states and am concerned that funeral directors would be ineligible for licensure in Virginia, due to educational requirements not fulfilling the proposed standard. I believe the intent of the legislation requiring the Board to develop standards for licensure of funeral directors was in response staffing issues funeral homes are experiencing. Allowing increased opportunities for people to enter the funeral profession is of utmost importance. These proposed educational requirements would hinder many qualified service providers from entering the profession in Virginia. The Board's reconsideration of these two courses and amending the proposed educational requirements would support the intent of the legislation in a meaningful way.

In closing, I was there when this bill was brought up in committee, I spoke on Its behalf its intent was for it to be separate no classes for embalming.

Sincerely

Christopher C. Carter Sr.,

C.C.Carter Funeral Home Newport News, VA.

DHP

Ralph DeStefano

7482 Lee Highway

Falls Church, Virginia 22042

Ralph.destefano@sci-us.com

703-289-4745

FDE
SEP - 9 2020

September 3, 2020

Corie E. Tillman Wolf, J.D., Executive Director
Board of Funeral Directors and Embalmers
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

Dear Ms Tillman Wolf,

My reason for writing today is with regard to the proposed educational requirements for a funeral director, passed by the Regulatory Advisory Panel on September 1, 2020.

As a licensee and a funeral service professional, I am concerned about the inclusion of anatomy and pathology courses as part of the curriculum. In the interest of serving the public in a rapidly changing environment, the need for professionals licensed to arrange and direct funerals is paramount. Anatomy and pathology are not applicable to these responsibilities. These courses have been included with funeral service education as they relate to embalming. A curriculum, which includes business courses, communication, law and accounting, seems more pertinent to the role of a funeral director.

During the panel discussion, the inclusion of said course were deemed important since funeral directors may be involved in the transportation of deceased individuals. However, OSHA Blood borne Pathogens training would address concerns related to funeral director candidates who may participate in those tasks.

Upon review of funeral director programs, currently available in the United States, I noticed they do not include anatomy and pathology. Our company employs funeral directors in 44 states and am concerned that funeral directors would be ineligible for licensure in Virginia, due to educational requirements not fulfilling the proposed standard. I believe the intent of the legislation requiring the Board to develop standards for licensure of funeral directors was in response staffing issues funeral homes are experiencing. Allowing increased opportunities for people to enter the funeral profession is of utmost importance. These proposed educational requirements would hinder many qualified service providers from entering the profession in Virginia. The Board's reconsideration of these two courses and amending the proposed educational requirements would support the intent of the legislation in a meaningful way.

Sincerely,



Ralph DeStefano
Managing Director, Northern Virginia Area

Cc: David E. Brown, D.C., Executive Director, Department of Health Professions

----- Forwarded message -----

From: <mrb*****@aol.com>

Date: Thu, Sep 10, 2020 at 1:14 PM

Subject: Additional concerns for the the RAP to Consider

To: fanbd@dhp.virginia.gov <fanbd@dhp.virginia.gov>

Greetings All,

After reviewing the recommendations and comments of the two RAP meetings, The topic of continuing education requirements came into question. This thought also was shared by other panel members.

The current regulations in 18VAC65-20-151, states that " 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."

With the updating of the requirements for approval and issuance of a separate funeral director and embalmer license, I think the continuing education requirement need to be revised or reviewed.

One who has only an embalmer license should not be required to take a preneed course. They should continue to be required the five hours annually, however, preneed should be removed and replace with an OSHA, additional law or technical course.

Respectfully Submitted,

Barry D. Robinson
RAP member

FUNERAL CONSUMERS ALLIANCE

A nonprofit protecting your right to choose a meaningful, dignified, and affordable funeral

33 Patchen Road, South Burlington, VT 05403 ~ 802-865-8300 ~ funerals.org

September 21, 2020

Virginia Board of Funeral Directors and Embalmers
Perimeter Center
9960 Maryland Drive
Henrico, VA 23294

re: Proposed licensing requirements for funeral directors pursuant to SB 1044

Sent by Electronic Mail

The proposed regulations to create a separate licensure category for non-embalmer funeral directors are contrary to the legislative intent behind SB1044. That bill's purpose was to compel the Board to license non-embalming funeral directors to do business in Virginia. Embalming is increasingly irrelevant as more families turn to simpler arrangements that do not create a practical requirement for this service. It is not practiced by traditional Jewish and Islamic burial providers. It is not even legally required by the Commonwealth when refrigeration is available.

The members of the Board are aware that Senator Jeremy McPike's legislative intent was to allow competent, non-embalming funeral directors to enter funeral service. Instead of working to fulfill that intent, the Board proposes to erect irrational barriers to achieving a funeral directing license.

- The Board's proposed regulations require a funeral director to either a) earn an associate's degree in mortuary science (which includes extensive embalming training), earn a degree in 'funeral service' (a non-standard and unclear curriculum label), or earn 60 credit hours of coursework **including pathology and anatomy**.

In plain terms, the proposed regulations mean: "A funeral director is going to have to go to embalming school, or he or she will have to spend the equivalent amount of time taking courses in anatomy and pathology in order to do business in Virginia."

This is transparently an attempt to keep the current licensure bottleneck in place. That bottleneck winnows out non-embalmers and privileges traditional (and increasingly outmoded) embalming-focused funeral directors.

Senator McPike recognizes the problem. His letter to Director of the Virginia Department of Health Professions states:

'The creation of an overly burdensome, non-relevant curriculum . . . that can possibly take years to be approved or implemented is exactly the outcome I wanted to avoid.'

There is no health, safety, or consumer protection purpose served by requiring all funeral directors to either train in embalming or to spend the equivalent amount of time in coursework best described as “everything but”. CEOs of airline companies do not need to be pilots. Hospital directors do not need to be cardiac surgeons. Yet we are asked to believe that it is too dangerous to grieving consumers to allow a non-embalming-trained funeral director to plan and carry out a funeral.

It was my hope that this regulatory effort would refrain from using the rulemaking process to protect funeral service from innovation and competition. This hope was misplaced. The proposed regulations offer not consumer protection, but industry protectionism.

Stakeholders who take seriously the interests of the public should challenge these draft rules. Commonwealth statutes created the Board to protect the grieving public from unscrupulous practices. The rulemaking process must not abuse the public's trust by using state-granted authority to insulate funeral service from change that would benefit consumers and promote a competitive marketplace.

Sincerely,



Joshua L. Slocum
Executive Director

cc: Office of Governor Ralph Northam
David Brown, D.C., Director of the Virginia Dept. of Health Professions
Senator Jeremy McPike
Jeff Rowes, Institute for Justice
Funeral Consumers Alliance of the Virginia Blue Ridge



September 25, 2020

Via Electronic Mail: corie.wolf@dhp.virginia.gov

Corie E. Tillman Wolf, J.D., Executive Director
BOARD OF FUNERAL DIRECTORS AND EMBALMERS
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

Dear Ms. Tillman Wolf,

My reason for writing today is with regard to the proposed educational requirements for a funeral director, passed by the Regulatory Advisory Panel on September 1, 2020. I appreciate the opportunity to share the thoughts and concerns of our organization as it relates to the proposed requirements.

As an operator of funeral homes throughout the United States, Carriage Services is particularly concerned about the inclusion of anatomy and pathology courses as part of the curriculum. The proposed educational regulations will make it exceedingly difficult for licensed funeral directors from many states to become licensed in Virginia, without having to go back to school to take these courses and meet Virginia's educational requirements. We understand the intent of the legislation, which directed the Board to develop regulations for the issuance of separate funeral director and embalmer licenses, was to make the profession more accessible for new entrants and provide increased opportunity for employment. We believe the proposed regulations erect new barriers to licensure, as no other states specifically mandate science or embalming related courses for funeral directors.

It is our understanding that the inclusion of anatomy and pathology were deemed important by panel members, as funeral directors may be involved in the transportation of deceased individuals. However, OSHA Bloodborne Pathogens training would address concerns related to funeral director candidates who may participate in those tasks. College courses do not teach procedures such as removal techniques, this training is most appropriately addressed as part of an internship program.

Upon reviewing funeral director programs currently available in the United States, we note none include anatomy and pathology in their curricula. We believe the educational requirements, as proposed, erect unique and unnecessary barriers to licensure. The intent of the legislation requiring the Board to develop standards for licensure of funeral directors was in response to staffing issues many funeral homes are experiencing, as well as enabling persons whose faiths prohibit embalming to become funeral directors. Allowing increased opportunities for people to enter the funeral profession is of utmost importance. These proposed educational requirements would hinder many qualified service providers from entering the profession in Virginia. The Board's reconsideration of these two courses and amending the proposed educational requirements would support the intent of the legislation in a more meaningful way.

Carriage appreciates your consideration of our thoughts and I am available to discuss these concerns in more detail if you believe that would be helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "S Metzger", is written over a horizontal line.

Steve Metzger

Senior Vice President & General Counsel

Cc: David E. Brown, D.C., Director, Department of Health Professions



Attachment A
SEP 30 2020
DHP

September 22, 2020

FDE

SEP 30 2020

Corie E. Tillman Wolf, J.D., Executive Director
Board of Funeral Directors and Embalmers
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

Dear Ms. Tillman Wolf,

I am writing in opposition to the proposed educational requirements for the position of Funeral Director, as passed by the Regulatory Advisory Panel at its September 1, 2020 meeting.

As Virginia's largest provider of cremation services, we believe the inclusion of anatomy and pathology courses as part of the curriculum for a funeral director is unnecessary. The primary responsibility of a funeral director is that of assisting families in the arranging of funeral, or in our case, cremation services. Neither anatomy nor pathology are relevant to these duties. We strongly believe a more appropriate curriculum is one which includes business courses, communication, law, accounting, etc. Furthermore, upon reviewing the proposed curriculum of John Tyler and Tidewater Community Colleges, the curriculum includes a course in embalming, but does not address cremation, which is the fastest growing method of disposition and will soon be the most selected method in Virginia.

I note during the Regulatory Advisory Panel discussions, many references were made to a funeral director participating in transfer and transportation of the deceased. Funeral service anatomy and pathology courses are primarily taught with an emphasis on their relation to embalming. If the true concern is the safe handling of human remains during a transfer, then the OSHA Blood borne Pathogens training would be a more appropriate and relevant course for funeral director candidates to complete and should be incorporated into the training requirements of the internship.

No funeral director programs, currently offered in the US, include both of these courses in their curricula. As an employer of funeral directors in 30 states, we are concerned many of our funeral directors would be ineligible for licensure in Virginia, as their education would not comply with the proposed standard. It is my understanding that the intent of the legislation, which required the Board to create criteria for licensure of funeral directors, was to address work force concerns and allow for greater opportunity to enter the funeral profession. I believe the proposed educational standards actually put in place barriers, which would prevent many qualified funeral directors from being licensed by endorsement in Virginia. I urge the Board to consider amending the proposed educational requirements to delete these two courses.

Very truly yours,

Tim Nicholson
Vice President

Cc: David E. Brown, D.C., Executive Director, Department of Health Professions

[go back](#) | [open in word](#)

Project 6539 - none

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Funeral director and embalmer licenses

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 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, or ~~and~~ 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 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, to include successful completion of coursework in the area of pathology, from a funeral directing program approved by the board;
4. Have passed the National Board Examination in Arts or State Board Examination in Arts 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. Application requirements. 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 he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored or 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 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. Application requirements. 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 he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored or 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 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.

Part VI

Refusal, Suspension, Revocation, and Disciplinary Action

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 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.

Part VIII

Pricing Standards and Forms

18VAC65-20-630. Disclosures.

Funeral providers 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.

Part I

General Information

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.

Attachment B

"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.

Part II

Sale of Preneed Plans

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 funeral director.

Part VIII

Required Content of Contracts and Disclosures

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	

Attachment B

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: _____

Part I

General Provisions

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, funeral directing, or embalming 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.

Part II

~~Funeral Service~~ Internship Requirements

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.

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 Virginia Code § [18.2-126](#). 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, funeral directing, or ~~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:

Attachment B

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 his internship hours or until he has taken and received the results of all examinations required by the board, whichever occurs first. 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.

Part III

Internship: ~~Funeral~~ Supervisors' Responsibilities

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.

Part IV

Refusal, Suspension, Revocation, and Disciplinary Action

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.