

July 16, 2024

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, July 16, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, President
Lacyn Barton, FSL, Vice-President
S. Jonathan Hines, FSL, Secretary-Treasurer
Muhammad Hanif, Citizen Member
K. Scott Hickey, MD
Mia F. Mimms, FSL, JD
R. Thomas Slusser, FSL
Eric Wray, II, FSL

BOARD MEMBERS NOT PRESENT:

J. Michael Williams, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Director of Legislative and Regulatory Affairs
Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center
Annette Kelley, Deputy Executive Director
Arne Owens, Agency Director
Melanie Pagano, Deputy Executive Director
Melody Morton, Inspections Manager, Enforcement Division
Matt Novak, Policy and Economic Analyst
Sarah Rogers, Director, Enforcement Division
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Virginia Funeral Directors Association
Oliver Buckner, Hancock, Daniel and Johnson, PC
Mary Church, DHP Inspector
Krystina Diman, Woody/Nelsen Funeral Home*
Paul Harris, Regulatory Support Services
W. Scott Johnson, Hancock, Daniel and Johnson, PC
Laura McHale, Association of Independent Funeral Homes of Virginia/Keeney Group
Blair Nelsen, Service Corporation International*

Barry Robinson, Virginia Morticians' Association

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

CALL TO ORDER

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

With eight Board Members present at the meeting, a quorum was established.

Mr. Graves read the mission of the Board, which is also the mission of the Department of Health Professions (DHP).

Mr. Graves reminded the Board Members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board Meeting and Formal Hearing held on April 16, 2024, and the Regulatory Advisory Panel Meeting held on July 10, 2024. The minutes were approved as presented.

ORDERING OF THE AGENDA

Mr. Graves opened the floor to any additional items to add to the agenda.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Wray, the Board voted to accept the agenda as presented. The motion carried (8-0).

PUBLIC COMMENT

Mr. Robinson, Virginia Morticians' Association (VMA), provided written public comment thanking Mr. Wray and Ms. Tillman Wolf for their presentations at the VMA Annual Meeting in June 2024.

AGENCY REPORT

Mr. Owens welcomed Board Members and thanked them for their service and contribution to the profession.

Mr. Owens spoke about the successful 2024 General Assembly Session and legislative efforts, including the formal acceptance of the state budget. Mr. Owens clarified that DHP does not receive any funds from the General Assembly, but rather the authority to spend as DHP is a special funded agency deriving funds from licensure fees.

Mr. Owens provided information regarding the transition of DHP management. He reported that Diane Powers, Director of Communications, had retired effective April 1, 2024. Mr. Owens also reported that Lisa Hahn, Chief Operating Officer, retired effective July 1, 2024, and that Jay Douglas, Executive Director for the Board of Nursing, would retire effective September 1, 2024. He stated that he anticipates a seamless transition of these positions.

Mr. Owens reported on staff retention efforts through the study of agency salaries.

With no questions, Mr. Owens concluded his report.

STAFF REPORTS

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

Welcome and Congratulations

Ms. Tillman Wolf announced Ms. Pagano's retirement effective August 2024, with her last day in the office on July 31, 2024. She welcomed Annette Kelley as the new Deputy Executive Director of the Board.

Board Updates

Ms. Tillman Wolf provided Board updates since the last quarterly meeting, to include mention of the Regulatory Advisory Panel meeting held on June 10, 2024, to discuss recommendations on emergency regulations to implement the declinable preneed funeral guarantee fee established by SB 521, Chapter 247 of the 2024 Acts of Assembly. She noted that a number of trainings were provided by Board members and staff in June 2024 to the Virginia Funeral Directors Association (VFDA) (Slusser) and to the VMA (Wray and Tillman Wolf).

Ms. Tillman Wolf stated that the next meeting of the Board's Examination Committee will be pushed to early 2025 due to the pending amendments to the regulations.

Data Updates

Ms. Tillman Wolf provided an update on the number of Funeral Director and Embalmer-only applications and licenses received and issued since the bifurcation of licenses was implemented in 2021.

International Conference Updates

Ms. Tillman Wolf provided brief updates from the International Conference of Funeral Service Examining Boards. Ms. Tillman Wolf is currently serving on the Bylaws Committee.

Additional Updates - CANA

Ms. Tillman Wolf highlighted recent information from the Cremation Association of North America (CANA) which has new resources available on its website related to natural organic reduction and alkaline

hydrolysis. CANA now offers a Natural Organic Reduction Operations Course/Certificate and has updated its Crematory Operations Certification Course to cover alkaline hydrolysis.

2024 Board Meetings

Ms. Tillman Wolf announced the remaining 2024 Board meeting schedule and the proposed 2025 Board meeting schedule.

- October 10, 2024
- January 14, 2025
- April 15, 2025
- July 8 or 10, 2025
- October 7, 2025

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

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

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

- Q1 2022 – 19/18
- Q2 2022 – 19/12
- Q3 2022 – 24/22
- Q4 2022 – 28/21
- Q1 2023 – 5/23
- Q2 2023 – 10/21
- Q3 2023 – 11/13
- Q4 2023 – 27/11
- Q1 2024 – 24/22
- Q2 2024 – 23/32
- Q3 2024 – 19/28

As of May 31, 2024, Ms. Pagano reported the following disciplinary statistics:

- 3 Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 1 at Enforcement
 - 1 at Probable Cause
 - 1 at APD
- 59 Non-Patient Care Cases
 - 3 at Informal
 - 0 at Formal
 - 32 at Enforcement
 - 23 at Probable Cause
 - 1 at APD
- 9 at Compliance

With no questions, Ms. Pagano concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Supervisor

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics and trends in license count.

License	March 31, 2024 (Q3 2024)	June 15, 2024	Difference (+/-)
Funeral Service Licensees	1,618	1,562	-56
Funeral Director	54	59	+5
Embalmer Only	5	4	-1
Supervisors	280	287	+7
Funeral Service Interns	236	190	-46
Funeral Directing Interns	42	37	-5
Embalmer Interns	3	6	+3
Funeral Establishments	428	412	-16
Branch Establishments	89	89	0
Crematories	138	138	0
CE Providers	12	8	-4
Courtesy Card Holders	140	137	-3
Surface Transport & Removal Svc.	52	49	-3
Total (*not incl. supervisors)	2,817	2,691	-126

Ms. Georgen reviewed the trends of licensure counts since Q3 – 2020.

LRR Exam Scores

Ms. Georgen reported on the passage rates for the Laws, Rules, and Regulations (LRR) Examination in Virginia for FY 2023 and Quarter 1 FY 2024.

Licensure Renewals – CE Provider

Ms. Georgen reported on the licensure renewals of Continuing Education Providers that expired on July 1, 2024.

With no questions, Ms. Georgen concluded her report.

Inspections Update – Melody Morton, Inspections Manager

Ms. Morton provided an update on the inspections program at DHP, to include recent staffing changes, efforts to address backlogs in overdue inspections, and the most common deficiencies noted for funeral inspections.

BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General

Mr. Saunders reported that the Board had no pending legal matters. With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the International Conference of Funeral Service Examining Boards – Lacyn Barton, FSL

Ms. Barton provide an update regarding recent activities of the International Conference of Funeral Service Examining Boards (The Conference). Ms. Barton thanked Ms. Tillman Wolf for her work on the Bylaws Committee.

Ms. Barton provided a brief review of the National Board Exam results for 2023.

Ms. Barton provided information on the Conference's upcoming 121st Annual Meeting scheduled for February 28-29, 2025, in Palm Springs, California. She noted that delegate grants were available for those interested in attending.

With no questions, Ms. Barton concluded her report.

Regulatory Advisory Panel – R. Thomas Slusser, FSL

Mr. Slusser provided a summary of the Regulatory Advisory Panel meeting on June 10, 2024. Panel members provided recommendations on draft emergency regulations to effectuate the provisions of SB521, which created a declinable preneed funeral guarantee fee for preneed contracts. Mr. Slusser provided an overview of the areas where the panel members reached consensus on how the declinable preneed funeral guarantee fee would be implemented in practice.

BREAK

The Board took a break at 10:45 a.m. and returned at 10:55 a.m.

LEGISLATIVE AND REGULATORY REPORT

Report on Status of Regulations and Legislative Report - Erin Barrett, Director of Legislative and Regulatory Affairs

Ms. Barrett provided an update on pending regulatory actions. With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Consideration of Recommendations of the Regulatory Advisory Panel

Ms. Barrett presented the recommendations of the Regulatory Advisory Panel that was convened on July 10, 2024. She stated that the Panel discussed and compiled recommendations to the full Board regarding the content of the emergency regulations that are required by SB 521, Chapter 247 of the 2024 Acts of Assembly, which established a declinable preneed funeral guarantee fee.

Adoption of Emergency Regulations and Initiation of a Notice of Intended Regulatory Action (NOIRA) for Preneed Funeral Contracts – Declinable Preneed Funeral Guarantee Fee (SB 521 – Ch. 247 of the 2024 Acts of Assembly) (18VAC65-30-10 et seq.)

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Hanif, the Board voted to adopt emergency regulations and to initiate a Notice of Intended Regulatory Action to amend 18VAC65-30-10 et seq. related to the declinable preneed funeral guarantee fee and as required by Senate Bill 521, Chapter 247 of the 2024 Acts of Assembly as presented. The motion passed unanimously (8-0).

Mr. Slusser thanked Mr. Saunders, Ms. Barrett, and Ms. Tillman Wolf for their assistance with the Regulatory Advisory Panel meeting.

PRESENTATION

2024 Report – Virginia’s Funeral Service Provider Workforce - Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center

Dr. Hodgdon provided a summary of the findings of the 2024 Workforce Report for Funeral Service Providers.

Upon a **MOTION** by Ms. Barton, properly seconded by Dr. Hickey, the Board voted to accept the 2024 Workforce Report for Funeral Service Providers as presented. The motion carried unanimously (8-0).

BREAK

The Board took a break at 11:41 a.m. and returned at 11:47 a.m.

PRESENTATION

Introduction and Overview of the Enforcement Division - Sarah Rogers, PhD, Director, Enforcement Division

Dr. Rogers provided a presentation and overview of the Enforcement Division and Investigative Process.

ELECTIONS

Mr. Graves stated that in accordance with the Bylaws, during the first meeting of the organizational year, the Board shall elect from its members a President, Vice-President, and Secretary-Treasurer.

Mr. Graves provided remarks regarding the process for making additional floor nominations.

Mr. Graves opened the floor for nominations for President of the Board of Funeral Directors and Embalmers.

Ms. Barton was nominated for the position of President. There were no other nominations. The nominations were closed.

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Hines, the Board voted to elect Ms. Barton as President of the Board of Funeral Directors and Embalmers. The motion passed unanimously (8-0).

Mr. Graves opened the floor for nominations for Vice-President of the Board of Funeral Directors and Embalmers.

Mr. Hines was nominated for the position of Vice-President. There were no other nominations. The nominations were closed.

Upon a **MOTION** by Ms. Mimms, properly seconded by Mr. Wray, the Board voted to elect Mr. Hines as Vice-President of the Board of Funeral Directors and Embalmers. The motion passed unanimously (8-0).

Mr. Graves opened the floor for nominations for Secretary-Treasurer of the Board of Funeral Directors and Embalmers.

Dr. Hickey was nominated for the position of Secretary-Treasurer. There were no other nominations. The nominations were closed.

Upon a **MOTION** by Mr. Slusser, properly seconded by Ms. Barton, the Board voted to elect Dr. Hickey as Secretary-Treasurer of the Board of Funeral Directors and Embalmers. The motion passed unanimously (8-0).

NEXT MEETING

The next meeting date is October 10, 2024.

ADDITIONAL COMMENTS

Mr. Graves stated that the Board would conduct probable cause review directly following the adjournment of the meeting. He asked that all Board Members participate.

ADJOURNMENT

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 12:13 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date