

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, April 12, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Michael J. Leonard, FSP, President
Robert B. Burger, Jr., FSP, Vice-President
Blair Nelsen, FSP, Secretary-Treasurer
Randolph T. Minter, FSP
Billie Watson-Hughes, FSP
Barry M. Murphy, FSP
Willard "Skip" Tharp, FSP
Junius Williams, Citizen Member

BOARD MEMBERS ABSENT

Walter S. Ball

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Dr. Dianne Reynolds-Cane, Agency Director
Arne Owens, Agency Chief Deputy Director
Elaine J. Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

BOARD COUNSEL

Amy Marschean, Senior Assistant Attorney General

QUORUM

With 8 members present a quorum was established.

GUESTS PRESENT

Barry D. Robinson, Virginia Morticians Association
Meredyth Partridge, Regulatory Support Services, Inc.
Bo Keeney, Independent Funeral Homes of Virginia
Bruce Keeney, Independent Funeral Homes of Virginia
Lacy Whittaker, Virginia Funeral Directors Association
Hailel "Butch" Gatewood, Jr., Norris Funeral Services
Richard Sikon, John Tyler Community College
Kimberly Jordan, FSD
Janet Rainey, Virginia Department of Health

CALL TO ORDER

Mr. Leonard, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:05 a.m. and asked the members and guests to introduce themselves.

ORDERING OF AGENDA

The agenda was accepted as ordered.

ACCEPTANCE OF MINUTES

- Upon a motion by Ms. Hughes and properly seconded by Mr. Nelsen, the Board voted to accept the Board Meeting Minutes dated January 18, 2011. The motion carried unanimously.
- Upon a motion by Ms. Hughes and properly seconded by Mr. Minter, the Board voted to accept the Formal Hearing minutes dated January 18, 2011. The motion carried unanimously.
- Upon a motion by Mr. Burger and properly seconded by Ms. Hughes, the Board voted to accept the Formal Hearing minutes dated January 18, 2011. The motion carried unanimously.

PUBLIC COMMENT PERIOD

On behalf of the Virginia Morticians Association, Barry Robinson thanked Barry Murphy for his service and dedication to the board as well as all members whose terms will be expiring in June 2011. He extended an invitation to the board to attend the VMA Annual Convention in June and thanked them for providing a class on Preneed. Lastly, Mr. Robinson requested that when changes are made to regulations that the board provide a summary of the changes.

EXECUTIVE DIRECTOR'S REPORT

Expenditure and Revenue Summary

Ms. Hahn stated that the beginning cash balance as of June 30, 2010 was \$40,298, revenue received for FY 11 was \$229,785 less the direct and allocated expenditures of \$376,873 leaving a cash balance as of February 28, 2011 of \$(106,790). Ms. Hahn was pleased to share that preliminary numbers are indicating that we may have just a slight cash shortfall at the end of the fiscal year versus a more significant shortfall. Accordingly, we should have a positive cash balance as of 6/30/11 due to the carryover balance from 6/30/10. She attributed the projection to streamlining investigations, not refilling a position, and closely monitoring all expenditures.

Licensee Statistics

Ms. Hahn stated that the summary of current license statistics was included in the agenda packages.

Discipline Statistics

Ms. Hahn stated we have 37 open cases; 20 cases are in the Enforcement Division at the Investigative stage; 13 cases are in the Probable Cause stage; 2 cases at the APD level; 2 cases are at the informal stage; and 0 cases are at the formal stage.

Virginia Performs – 4th Quarter ending 12/31/10

Ms. Hahn stated that the following results were unofficial because they had not been published on the Virginia Performs website; 100% rating for issuing licenses in less than 30 days; a 100% rating for patient care cases closed within 250 days; customer satisfaction surveys were unavailable due to non-participation by applicants; and the clearance rate was at 200% which indicates how many cases we closed versus how many cases were received.

Board Business

Alkaline Hydrolysis

Ms. Hahn announced that Ohio had blocked the use of Alkaline Hydrolysis as a method of disposition. The Department of Health directed officials not to issue permits or accept death certificates when bodies are to be disposed of through Alkaline Hydrolysis.

She also provided the members with a related magazine article in which Randy Minter obtained from the January edition of ICCFA magazine.

Jeanette Meade

Ms. Hahn shared how deeply touched Jeanette Meade and her family were for the dinner gathering on her behalf with staff and board member representatives Randy Minter and Barry Murphy. Ms. Hahn shared Jeanette's contributions to the Commonwealth and reported that she not only worked for the Department of Health Professions and the Department of Professional and Occupational Regulation but pointed out that Jeanette worked many years directly with the Board of Funeral Directors & Embalmers. Jeanette was an integral part of the Unit and is missed by her colleagues. Ms. Hahn shared pictures from the special evening.

Examination Vendor

Ms. Hahn shared that the contract for the examination vendor was renegotiated to include testing opportunities 5 days per week rather than only 5 days per month. She shared that this change will be greatly beneficial to the profession.

Board Presentations

Ms. Hahn mentioned that the board had a very busy quarter giving presentations throughout the State. Lynne Helmick gave several presentations for VFDA Traveling Caravan, Bob Burger and Lynne Helmick will attend and present during the June 2011 VMA Convention, Ms. Hahn & Mr. Leonard will attend and present during the June VFDA Annual Meeting, and Ms. Hughes will be presenting at the Walter Reed Senior Center on May 10th. Ms. Hughes will be participating this upcoming weekend at the National Funeral Directors Association & Mortician's Association, Inc. (NFDMA).

Board Member Tenures

Ms. Hahn was sad to point out that second terms for Skip Tharp, Billie Watson Hughes, and Barry Murphy will expire on June 30, 2011. Additionally, Ms. Hughes term on the Board of Health professions will expire June 30, 2011 and the position will need to be filled by another member from the Board of Funeral Directors & Embalmers. Ms. Hahn concluded that she has thoroughly enjoyed working with these members and their service and contributions made to the Commonwealth will be formally recognized at a future meeting.

Attorney General's Office

Ms. Hahn shared that she is currently working with Amy Marschean, Board Counsel on two matters:

- A response regarding a letter from Edwin F. Brooks regarding a potential establishment license.
- A response regarding AD Price Cremins.

Calendar

Ms. Hahn stated the next scheduled meetings in 2011 are May 24th (Preneed Committee meeting followed by Informal Conferences); July 19th (Board Meeting) and October 18th (Board Meeting).

NEW BUSINESS

Electronic Submission of Death Certificates – Janet Rainey, Virginia Department of Health

Ms. Rainey presented background information that substantiated her need to publish a recent memorandum regarding the electronic submission of death certificates and the need for her department to ensure establishments comply with the requirements. She stated that her office is swamped with establishment waiting for approval and that they are working diligently to keep up.

Mr. Nelsen inquired about VDH developing standard software that everyone utilized rather than each establishment trying to come up with their own software resources and compatibility. Ms.

Rainey indicated that she had a meeting scheduled for the following day to discuss this possibility with her IT resources and that she would share the response.

Mr. Murphy shared that he was looking forward to the web based access and inquired when to expect the system up and running. Ms. Rainey was unable to give a definitive date for the EDR but did say that the Secretary had signed off. She concluded that burial transit permits will also be included in the EDR.

Alkaline Hydrolysis Presentation – Rick Sikon, John Tyler Community College

Rick Sikon gave a very informative and interesting presentation on Alkaline Hydrolysis; an alternative method to burial and cremation. He included information on what the method is and how it works. He shared that he sees this as being a viable and “bio-friendly” option for the future.

It was the board consensus that because not enough scientific research had been conducted, especially relating to waste water, that the matter would be monitored until more approvals and information was available.

Regulatory Report – Elaine Yeatts

Ms. Yeatts reviewed the status of the following regulations pertaining to **18VAC65-20**:

- Identification of human remains – remain at the Governor’s Office
- NOIRA regarding fee increases – remain at the Governor’s Office

Ms. Yeatts reviewed the status of regulations pertaining to **18VAC65-30**:

- Fast-Track regarding termination of irrevocable trusts – remain at Governor’s Office

Legislative Report – Elaine Yeatts

Ms. Yeatts reviewed the following Bills which passed and were approved during the 2011 General Assembly:

- SB 1117 – An Act to amend and reenact §§ **32.1-263 and 54.1-2972** of the Code of Virginia, relating to requirements for death certificates (**attached**).
- HB 1659 – An Act to amend and reenact § **54.1-2818.1** of the Code of Virginia, relating to identification prior to cremation (**attached**).

Adoption of Exempt Regulation on Cremation- Elaine Yeatts

Ms. Yeatts presented draft amendments regulations on requirements for cremations based on changes to §§ 54.1-2811.1 and 54.1-2818.1 of the Code of Virginia made by the 2010 and 2011 General Assembly. Mr. Nelsen pointed out that the draft would allow a crematory 48 hours to hold a body after receipt of remains without refrigeration. Since that is not the board’s intent nor

is it consistent with the law, that amendment was deleted. Upon a motion by Mr. Tharp and properly seconded by Ms. Hughes, the board voted to adopt the Exempt Regulation on Cremation under 18VAC65-20-436 (**attached**). The motion passed unanimously.

Maryland Reciprocal Agreement

A “draft” version of a Maryland Reciprocal Agreement was provided to the members for consideration. Discussion was made about the similarities and the differences in the laws and regulations between the two states. Ms. Hughes pointed out that Maryland offers a “spousal” license in the event of the death of a spouse which our board was strongly opposed to.

Upon a motion by Ms. Hughes and properly seconded by Mr. Nelsen, the board voted to authorize staff the ability to edit the “draft” version of the Maryland Reciprocal Agreement. The motion carried unanimously.

Ms. Hughes agreed to assist with the re-draft.

Letter Regarding Preneed Contract by Interns

Mr. Leonard referred to a letter Ms. Hahn received from Regulatory Support Services, Inc. dated February 23, 2011 asking for clarification on whether or not Interns were allowed to make Preneed arrangements.

Following board discussion, a motion was made by Ms. Hughes and properly seconded by Mr. Tharp to authorize board staff to reinforce the laws and regulations regarding interns handling preneed arrangements. The motion carried unanimously.

- **Board Clarification regarding Preneed Contracts by Interns**

A Funeral Service Intern is permitted to meet with a family and assist in discussions and planning for Preneed contracts provided the Funeral Service Supervisor is present in the room. Preneed contracts are legally binding and must be signed only by a Funeral Service licensee.

ADJOURNMENT:

With no further business before the Board, the meeting adjourned at 12:25 p.m.

Michael J. Leonard, President

Lisa R. Hahn, Executive Director

Date

Date