

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF LEGISLATIVE COMMITTEE**

Monday, June 3, 2002
6606 West Broad Street
Richmond, Virginia 23230-1717
Conference Room 1

Department of Health Professions

CALL TO ORDER: A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 1:01 p.m.

PRESIDING: Robert "Bob" Oman, Chair
J. Michael Williams presided until 1:12 p.m.

MEMBERS PRESENT: Paul Whitten
Bobby Gardner, Sr.
Jack Miller
Charles Morehead

MEMBERS ABSENT: None.

STAFF PRESENT: Elizabeth Young, Executive Director
Vickie Hutson-McCloud, Administrative Staff Assistant

QUORUM: With six members of the Committee present, a quorum was established.

GUESTS: R.R. Jordan, LeClair Ryan Consulting, VFDA/VMA
Georgia R. Short, VCA
Blair Nelson, IFHV
Joyce Tucker, VMA
Ann Dickerson, RSS, Inc.
Meredith Partridge, RSS, Inc.

ORDERING OF AGENDA: On a properly seconded motion by Mr. Whitten, the Committee moved to accept the agenda.

INTRODUCTION OF ASSOCIATION REPRESENTATIVES: **OF** Mr. Williams requested that everyone in attendance introduce themselves.

PUBLIC COMMENT: None.

ACCEPTANCE OF MINUTES: **OF** On a properly seconded motion by Mr. Miller, the Committee moved to approve the Minutes of November 27, 2001.

LEGISLATIVE
PROPOSALS FOR 2003:

Proposal Identifier Number -- FDE-1:

§54.1-2800. Definitions. As used in this chapter, unless the context requires a different meaning:

“At-need” means at the time of death or while death imminent, through final disposition as defined in ~32.1-249 of the Code of Virginia.

“Funeral service establishment” means any main establishment, branch or chapel which is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, practice of funeral services, or the act of embalming is may be performed.

§54.1-2806. Refusal, suspension or revocation of license. The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period of indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

25. The denial, revocation, suspension, restriction, or any other disciplinary action of a license, certificate, or registration to practice in another state, the District of Columbia or a United States possession or territory.

On a properly seconded motion by Mr. Whitten, the Committee moved to approve the above changes.

Proposal Identifier Number – FDE-2:

§54.1-2813. License for the practice of funeral services.

To be licensed for the practice of funeral services, a person shall (i) be at least eighteen years of age; (ii) not have been convicted of a felony; (iii) hold a high school diploma or its equivalent; (iv) have completed no less than eighteen a traineeship as prescribed in regulation; months as a resident trainee; (v) have graduated from a school of mortuary science or funeral service approved by the Board;

and (vi) have passed the examination for licensure.

§54.1-2817. Resident trainees.

The Board shall promulgate regulations to determine the requirements for traineeship and limitations of time each applicant may serve as a resident trainee.

~~Credit shall not be allowed for any period of resident traineeship that has been completed more than three years prior to application for license or more than five years prior to examination for license.~~

On a properly seconded motion by Mr. Morehead, the Committee moved to approve the above changes.

Proposal Identifier Number – FDE-3:

§54.1-2810. Licensure of funeral establishments.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within thirty days of its expiration. ~~Upon expiration of the license, the Board shall notify each licensee of the provisions of this section.~~

§54.1-2816. License renewal; failure to return renewal form.

At least sixty days prior to the expiration of a license, the Board shall mail to each person licensed to practice funeral service, embalming or funeral directing a printed form to be completed and returned to the Board together with the prescribed fee. The license of any person who does not return the completed form prior to the date of expiration shall automatically expire. ~~The Board shall immediately notify the person of the expiration and the reinstate requirements.~~ The Board shall may reinstate an expired license pursuant to regulations adopted by the Board. ~~upon receipt, within thirty days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the thirty-day period shall be at the discretion of the Board.~~

On a properly seconded motion by Mr. Miller, the Committee moved to approve the above changes.

Proposal Identifier Number – FDE-4:

§54.1-2408.1. Summary suspension of licenses, certificates or registrations; allegations to be in writing.

A. Any health regulatory board may suspend the license, certificate of registration of any person or facility holding a license, certificate or registration issued by it without a hearing simultaneously with the institution of proceedings for a hearing, if the relevant board finds that there is a substantial danger to the public health or safety which warrants this action. A board may meet by telephone conference call when summarily suspending a license, certificate or registration if a good faith effort to assemble a quorum of the board has failed and, in the judgment of a majority of the members of the board, the continued practice by the individual constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension.

On a properly seconded motion by Mr. Williams, the Committee moved to approve the above change upon interpretation from board counsel. Further, the Board requested that Ms. Young seek the opinions from the Boards of Veterinary Medicine and Pharmacy regarding this change.

Proposal Identifier Number – FDE-5:

§54.1-2803. Specific powers and duties of the Board.

2. To regulate and inspect funeral service establishments and crematories. ~~thier operation and license.~~

On a properly seconded motion by Mr. Whitten, the Committee moved to approve the above change.

Proposal Identifier Number – FDE-6:

§54.1-2808.1. Disposition of cremains.

A funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering of the cremains, if after ninety days from the date of cremation, the contracting agent has not claimed the cremains, or instructed the funeral director as to final disposition. The funeral director shall keep a permanent record of all such cremains, which identifies the method and site of final disposition.

On a properly seconded motion by Mr. Miller, the Committee moved to defer the submission of these proposals to the Board.

RECOMMENDATIONS TO BOARD:

Ms. Young recommended that the Regulatory Committee and the Legislative Committee be combined into one Committee. On a properly seconded motion by Mr. Whitten, the Committee moved to recommend to the full Board that the Regulatory Committee and the Legislative Committee be combined into one Committee.

ADJOURNMENT

With all business concluded, the Committee adjourned at 1:54 p.m.

Robert "Bob" Oman, Chair

Elizabeth Young, Executive Director

Date

Date