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**Call to Order – Blair H. Nelsen, FSL, Committee Chair**

- Welcome and Introductions
- Emergency Egress Procedures
- Mission of the Board

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**Ordering of Agenda**

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**Public Comment**

*The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.*

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**Discussion**

- Student Embalming
  - Current and Proposed Structure of Student Embalming Courses in Mortuary Science Programs – **Janet Stephens, John Tyler Community College, and Frank Walton, Tidewater Community College**
  - Recommendations Regarding Student Embalming Regulations
- Funeral Service Internship Program
  - Supervision of Funeral Service Interns During Embalming Procedures
  - Recommendations Regarding Periodic Review of 18VAC65-40-10 et seq. Regulations for the Funeral Service Internship Program

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**Meeting Adjournment**

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This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3708(D).

**APPROVED MEETING MINUTES  
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS  
AD HOC COMMITTEE ON FUNERAL INTERNSHIPS**

The Virginia Board of Funeral Directors & Embalmers Ad Hoc Committee on Funeral Internships met on Friday, April 13, 2018 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Hearing Room #5, Henrico, Virginia.

**COMMITTEE MEMBERS PRESENT:**

Blair H. Nelsen, FSL, Board Member, Committee Chair  
R.Thomas Slusser, Jr., FSL, Board Member  
Junius H. Williams, Jr., Board Member

**DHP STAFF PRESENT:**

Corie E. Tillman Wolf, Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Heather Wright, FDE Program Manager  
Lynne Helmick, Deputy Executive Director

**OTHERS PRESENT:**

Larry Spiaggi, FSL, Virginia Funeral Directors' Association

**CALL TO ORDER:**

The Ad Hoc Committee on Funeral Internships meeting was called to order at 10: 05 a.m.

**PUBLIC COMMENT:**

There were no public comments.

**DISCUSSION:**

**Funeral Internship Supervisor Training**

Ms. Tillman Wolf provided Committee members information on intern supervisor training from Saskatchewan and Iowa. The primary questions for a supervisor training program related to who would develop and who would administer a training. The Committee discussed supervisor training as it relates to student embalmers and the possibility of some supervisor training from the community colleges with mortuary science programs. The Committee decided to table further discussion and recommend to the Board that another committee meeting be held with Frank Walton, Tidewater Community College, and Janet Stephens, John Tyler Community College, invited to attend.

**Embalming by Funeral Service Students at Funeral Establishments**

The Committee discussed SB 143. Ms. Yeatts advised that any regulations adopted pursuant to §54.1-2805 (B) would be in Chapter 20 of the Regulations.

The Committee discussed qualifications of the student supervisor and training site. The Committee

made the following recommendations for regulations to the Board:

- The mortuary program would be responsible for qualifying/deeming qualified the supervisor, establishment, and preparation room; however, the funeral home must not be under any licensure restrictions.
- Prior to performing an embalming task, the student is to have instruction in and observation of the task.
- Only three students may work on any one cadaver and each task is to be individually observed by the supervisor.
- “Immediate supervision” is defined as the supervisor must be physically and continuously present in the preparation room and is supervising each task performed.
- The embalming report should identify the names of each student working on the body. The supervisor must sign the report.
- A training site funeral home is to add language in the embalming permission document informing the consumer that it is a training facility for mortuary education students and that students may be assisting a licensee with embalming.
- The funeral service activities in which the students engage are only those in conjunction with the student’s academic training or embalming lab course.

Committee members also discussed a mechanism for ensuring that student supervisors keep the schools informed of any discipline or restrictions on their licenses after they are qualified by the school. One solution is that disciplinary orders, in which an FSL, FD, or Embalmer license has been placed on probation, can contain language in a term of the order about the licensee not being eligible to be a student supervisor.

Ms. Yeatts indicated that the regulatory process with the recommended language could begin in July after the new Code Section becomes effective. The Committee’s recommendation could be for the Board to adopt the proposed regulations at the July Board meeting.

### **Unprofessional or Inappropriate Conduct Directed Towards Interns**

Ms. Tillman Wolf passed out a staff draft of wording to add to 18VAC65-20-500. The committee reviewed the draft and agreed to recommend the wording to the Board for possible regulatory action during the periodic review of the regulations.

### **Frequently Asked Questions**

Ms. Tillman Wolf passed out a staff draft of FAQs for Internships. The Committee reviewed the draft and agreed to recommend to the Board that the FAQs be posted to the website.

### **Adjournment**

The Committee meeting adjourned at 12:01 p.m.

Handwritten signature in black ink, appearing to read "Blair Nelsen" with a stylized flourish.

Blair Nelsen, FSL, Chair

4/17/18

Date

Handwritten signature in blue ink, appearing to read "Corie E. Tillman Wolf" with a stylized flourish.

Corie E. Tillman Wolf, Executive Director

4/17/18

Date

# VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

## CHAPTER 186

*An Act to amend and reenact § 54.1-2805 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3, relating to mortuary science education; practical experience requirement.*

[S 143]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2805 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3 as follows:**

**§ 23.1-903.3. Mortuary science education; practical experience requirement.**

*Every public institution of higher education that offers a degree in mortuary science shall require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program.*

**§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license.**

*A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.*

*B. Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.*

**Agency**

Department of Health Professions

**Board**

Board of Funeral Directors and Embalmers

**Chapter**

Regulations for the Funeral Service Intern Program [18 VAC 65 - 40]

[Back to List of Comments](#)**Commenter:** Janet Stephens

6/13/18 11:52 pm

**Change in Internship Requirement**

In light of the 2017 Funeral Service Provider Workforce Study, funeral service licensees are retiring or leaving the profession at a higher rate than licensees coming into the profession. By the year 2042, half of the current licensees will be at retirement age. If we want to continue to have a pool of qualified candidates entering our profession we must make provisions to attract and attain licensees for the future.

The current 3,000 hour internship requirement is a factor in being able to continually have a pool of qualified funeral service licensees. Funeral services students are opting to go to neighboring states where the internship hours and/or time requirement is less. For example, North Carolina and West Virginia only require a year internship and Maryland only requires 1,000 hours. If we expect to meet the funeral industry future needs, we must look at reducing the internship hours or changing it to a year requirement. This would not have an adverse effect on public health and developing competent and qualified licensees. Interns can still be required to complete the 25 embalmings and 25 funerals within a year or over a period of 1,000 hours but not less than a period of a year.

Project 5468 - none

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

### Students assisting in embalming

#### 18VAC65-20-236. Requirements for students assisting with embalming.

In accordance with § 54.1-2805 of the Code of Virginia, a student who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming in a funeral service establishment provided the following requirements are met:

1. The funeral establishment holds a current, unrestricted license issued by the Board;
2. The mortuary education program has examined the preparation room to be used, the number of embalmings performed annually at the establishment, and the qualifications of the funeral service licensees or embalmers who will be supervising students to ensure adequate opportunity and quality in the training;
3. Students shall receive instruction and shall observe embalming of a dead human body prior to assisting with an embalming in a funeral service establishment and shall assist with embalming in conjunction with an embalming laboratory course;
4. A funeral service licensee or embalmer may supervise up to three students under his immediate supervision, which shall mean the supervisor is physically and continuously present in the preparation room with the student(s) to supervise each task to be performed;
5. A funeral service establishment shall include on the form granting permission to embalm information disclosing that the establishment is a training facility for mortuary education students and that a student may be assisting the licensee with embalming; and

6. The embalming report shall include the name(s) of student(s) assisting with an embalming and shall be signed by the supervisor.

DRAFT



*Commonwealth of Virginia*



**REGULATIONS  
FOR THE  
FUNERAL SERVICE INTERNSHIP  
PROGRAM**

**VIRGINIA BOARD OF  
FUNERAL DIRECTORS AND EMBALMERS**

**Title of Regulations: 18 VAC 65-40-10 et seq.**

**Statutory Authority: § 54.1-2400 and Chapter 28  
of Title 54.1 of the *Code of Virginia***

**Revised Date: January 14, 2015**

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## **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 licensed funeral service professional 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.

### **18VAC65-40-20 to 18VAC65-40-30. [Repealed]**

### **18VAC65-40-40. Fees.**

A. The following fees shall be paid as applicable for registration:

- |   |       |
|---|-------|
| 1. Funeral service intern registration                  | \$150 |
| 2. Funeral service intern renewal                       | \$125 |
| 3. Late fee for renewal up to one year after expiration | \$45  |
| 4. Duplicate copy of intern registration                | \$25  |
| 5. Returned check                                       | \$35  |
| 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.

### **18VAC65-40-50 to 18VAC65-40-80. [Repealed]**

### **18VAC65-40-90. Renewal of registration.**

A. The funeral service 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 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.

**18VAC65-40-100. [Repealed]**

**18VAC65-40-110. Reinstatement of expired registration.**

A. A funeral service 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 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.

**18VAC65-40-120. [Repealed]**

**Part II. Funeral Service Internship Requirements.**

**18VAC65-40-130. Funeral service internship.**

A. The internship shall consist of at least 3,000 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.

**18VAC65-40-140 to 18VAC65-40-170. [Repealed]**

**18VAC65-40-180. Intern application package.**

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.

**18VAC65-40-190 to 18VAC65-40-200. [Repealed]**

**18VAC65-40-201. Failure to register.**

If the internship is not approved by the board prior to initiation of training, no credit shall be allowed for the length of time served.

**18VAC65-40-210. Training sites.**

A. Funeral training shall be given at the licensed funeral service establishment or at any branch of such establishment that complies with the provisions of this chapter and is approved by the board as a training site.

B. An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.

**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 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.

B. The board may grant approval for a resident trainee to receive all or a portion of the embalming training at a facility of state or federal government or an accredited educational institution.

**18VAC65-40-230 to 18VAC65-40-240. [Repealed]**

**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.

**18VAC65-40-260 to 18VAC65-40-270. [Repealed]**

**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 intern shall be signed by the establishment manager and by the persons who will be providing supervision for embalming and for the funeral services.

**18VAC65-40-290. through 18VAC65-40-310. [Repealed]**

**18VAC65-40-320. Reports to the board: six-month report; partial report.**

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:

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.

**18VAC65-40-330. Failure to submit training report.**

If the intern, supervisor, or establishment manager fails to submit the reports required in 18VAC65-40-320, the intern may forfeit all or partial credit for training or disciplinary action may be taken against the intern, supervisor and establishment manager.

### **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 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 intern under direct supervision to perform a minimum of 25 embalmings.
- E. The supervisor shall provide the 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 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.

#### **18VAC65-40-350 to 18VAC65-40-630. [Repealed]**

### **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 regulations of the Board of Funeral Directors and Embalmers.