

January 19, 2021

The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a full board meeting on Tuesday, January 19, 2021, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

BOARD MEMBERS PRESENT:

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

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)
Sarah Georgen, Licensing and Operations Manager (On-Site)
Melody Morton, Inspections Manager, Enforcement, DHP (Virtual)
Kelley Palmatier, Deputy Executive Director (Virtual)
Corie Tillman Wolf, Executive Director (On-Site)
Heather Wright, Program Manager (Virtual)
Elaine Yeatts, Sr. Policy Analyst (Virtual)

OTHER GUESTS PRESENT (VIRTUAL)

Paul Harris, Regulatory Support Services, Inc.
Bruce Keeney, Association of Independent Funeral Homes of Virginia
Laura McHale, Association of Independent Funeral Homes of Virginia
Dalene Paull, International Conference of Funeral Service Examining Boards
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge
Barry Robinson, Virginia Mortician's Association
Lauren Thomas, The International Conference of Funeral Service Examining Boards
Emily Trent
Unknown Caller (804-3**-**34)

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

CALL TO ORDER

Mr. Slusser called the meeting to order at 9:30 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, and with Executive Order 51 (2020) as issued and amended by the Governor due to the current state of emergency declared in the Commonwealth, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda and as necessary for the board to discharge its lawful purposes, duties, and responsibilities.

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

Mr. Slusser provided reminders to the Board and public regarding WebEx functions. Ms. Tillman Wolf provided a reminder to Board member regarding the mute and unmute functions through WebEx. Mr. Slusser completed a roll call of the Board members and staff.

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

Mr. Slusser read the mission of the Board, which is also the mission of the Department of Health Professions.

APPROVAL OF MINTUES

Mr. Nelsen provided a comment on the Board meeting minutes; however, he withdrew his comment following clarification by Ms. Tillman Wolf.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Dr. Hickey, the Board voted to accept the October 6, 2020 to December 1, 2020 minutes in block, including a Board meeting and formal hearing on October 6, 2020 and an Exam Committee meeting on November 20, 2020. The motion carried (9-0).

ORDERING OF THE AGENDA

Upon a **MOTION** by Dr. Hickey, properly seconded by Mr. Graves, the Board voted to accept the agenda as written. The motion carried (9-0).

PUBLIC COMMENT

The Board did not receive any request to provide written or verbal public comment.

AGENCY REPORT

Dr. Allison-Bryan stated that Dr. Brown was attending a legislative meeting.

Dr. Allison-Bryan announced the start of the 2021 General Assembly and noted that it would likely be a 30-day session. She stated that Ms. Yeatts or Ms. Tillman Wolf would provide more information later in the agenda.

Dr. Allison-Bryan announced that the COVID-19 vaccine was now available and that the Board of Funeral Directors and Embalmers licensees were considered healthcare workers and were eligible for phase 1a vaccinations through the Virginia Department of Health (VDH). Dr. Allison-Bryan provided a brief overview of the vaccinations.

With no questions, Dr. Allison Bryan concluded her report.

PRESENTATIONS

Dr. Allison-Bryan provided a presentation on the Health Practitioner's Monitoring Program. Dr. Allison-Bryan answered questions from the Board members.

Ms. Morton provided a presentation on the inspection program for funeral establishments and crematories.

STAFF REPORTS

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

COVID Data

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of October 6, 2020 as compared to January 15, 2021, as provided by the Virginia Department of Health (VDH).

COVID Response

Ms. Tillman Wolf provided information on the status of the Mass Fatality Taskforce, convened by the Office of the Chief Medical Examiner (OCME).

Ms. Tillman Wolf provided information on vaccines for funeral providers through VDH. She confirmed that VDH has defined that funeral providers are part of the phase 1a vaccination schedule and noted that the Board's website had been updated to include a link to additional information.

Ms. Tillman Wolf reported on the Board operations. She reported that staff continues to telework and that the DHP building was generally closed to the public, with the exception of a small number of in-person hearings.

Ms. Tillman Wolf thanked Mr. Jones and Mr. Nelsen for their assistance in reviewing a large number of disciplinary cases. She reported that the Board had two formal hearings scheduled for later in the afternoon.

Ms. Tillman Wolf provided an update on the licensing operations, including updates to applications and documents related to the issuance of funeral director and embalmer licenses to coincide with the Board's Emergency Regulations that became effective on January 5, 2021.

Ms. Tillman Wolf provided a brief update related to the Board's inspections and questions received by the Board that will be discussed later in the agenda.

Licenses for Funeral Directors and Embalmers

Ms. Tillman Wolf provided an overview of the updates made following the Emergency Regulations effective January 5, 2021, including an update to the applications, frequently asked questions, internship hours and reporting, and the Laws, Rules, and Regulations (LRR) examination.

Update – International Conference

Ms. Tillman Wolf provided an update on the International Conference of Funeral Service Examining Boards’ (International Conference) Virtual Annual Meeting scheduled for February 24 and 25, 2021. She said that registration fees would be complimentary for current Board members and staff.

Ms. Tillman Wolf also stated that the Model Practice Act had been updated by the International Conference and would be approved in February 2021. Ms. Palmatier participated on the Model Practice Act Advisory Committee.

Board Updates

Ms. Tillman Wolf stated that a News Brief was sent to licensees in November 2020 and contained COVID-19 related information and updates, including information from Virginia’s Veterans Cemeteries and updates from the Office of the Chief Medical Examiner (OCME). The News Brief contained a reminder about aiding and abetting unlicensed practice and an overview of the most common inspection deficiencies identified in 2019.

She also stated that the annual license renewals were forthcoming and scheduled to be sent to licensees in early February.

Expenditure and Revenue Summary as of November 30, 2020

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of November 30, 2020.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$41,535
<u>Less FY21 Direct & In-Direct Expenditures</u>	<u>\$279,651</u>
Cash Balance as of November 30, 2020	\$519,107

Reminders

Ms. Tillman Wolf provided reminders to the Board in regards to questions or communications to Board Members, Board Member travel, training presentation requests, and changes in contact information. She thanked the Board for their patience with virtual meetings and scheduling meeting requests.

2021 Board Meeting Dates

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

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

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of December 31, Ms. Palmatier reported the following disciplinary statistics:

- 40 Patient Care Cases
 - 3 at Informal
 - 1 at Formal
 - 14 at Enforcement
 - 22 at Probable Cause
- 14 Non Patient Care Cases
 - 3 at Informal
 - 0 at Formal
 - 3 at Enforcement
 - 8 at Probable Cause
- 14 at Compliance

Ms. Palmatier stated that the Clearance Rate was 100% (Goal is 100%) – 7 cases received, 7 cases closed. Ms. Palmatier stated that the caseload over 250 days was 17% (Goal under 20%) with 6 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 86% with 6 cases closed. She reported cases closed within 415 days is 100% with 7 cases closed.

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

- | | |
|-------------------|-------------------|
| • Q2 2018 – 8/7 | • Q4 2019 – 10/16 |
| • Q3 2018 – 12/18 | • Q1 2020 – 20/20 |
| • Q4 2018 – 13/24 | • Q2 2020 – 35/21 |
| • Q1 2019 – 26/13 | • Q3 2020 – 17/30 |
| • Q2 2019 – 23/6 | • Q4 2020 – 16/13 |
| • Q3 2019 – 18/25 | • Q1 2021 – 15/18 |

Percentage of all cases closed in 365 days

	Q4-19	Q1-20	Q2-20	Q3-20	Q4-20	Q1-21
FDE	73.3%	80.5%	90.3%	68.1%	88.9%	75.8%
Agency	82.3%	80.6%	72.9%	74.3%	75.8%	70.1%

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	January 14, 2021	October 6, 2020	Difference (+/-)
Funeral Service Licensees	1,547	1,530	24
Funeral Director	33	33	0
Embalmer Only	2	2	0
Supervisors	609	603	12
Interns	228	212	19
Establishments	419	413	2
Branch Establishments	85	86	0
Crematories	118	116	4
CE Providers	9	9	0
Courtesy Card Holders	112	109	4
Surface Transport & Removal Svc.	56	52	4
Total (*not incl. supervisors)	2,609	2,562	57

Customer Satisfaction

Ms. Georgen reported on the customer satisfaction statistics to include:

- Q1 20 – N/A
- Q2 20 – 85.7%
- Q3 20 – N/A
- Q4 20 – 83.3%
- Q1 21 – 100%

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett provided a reminder to Board members regarding the process if they receive any legal documents.

BREAK

The Board took a break at 10:51 a.m. and returned at 11:02 a.m.

COMMITTEE AND BOARD MEMBER REPORTS

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

Mr. Jones reported on the Board of Health Professions (BHP) regarding the change of officers. He reported an upcoming BHP meeting on January 21, 2021.

Ms. Tillman Wolf stated that the BHP minutes were not included in the agenda packet because a BHP meeting had not occurred since the last Board meeting.

Ms. Yeatts clarified further on Mr. Jones' report that the BHP will consider an update to the Sanction Reference Points (SRP) system related to the Board of Nursing and Licensed Massage Therapists at their next meeting.

With no questions, Mr. Jones concluded his report.

Examination Committee – Mia Mimms, FSL

Ms. Mimms stated that the Committee met on November 20, 2020 to review exam questions to ensure they continued to be relevant to the Board's Regulations.

With no questions, Ms. Mimms concluded her report.

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

Mr. Nelsen reported on testing through PearsonVue with necessary accommodations due to the COVID-19 pandemic. He also reported on the virtual annual meeting. Mr. Nelsen also reported on a change to the Board member training offered by the Conference and stated that virtual Board member training would be offered at a later date.

With no questions, Mr. Nelsen concluded his report.

LEGISLATION AND REGULATORY ACTIONS

Legislation/Regulatory Updates

Ms. Yeatts provided an update on the regulatory actions in process.

Ms. Yeatts stated that the emergency regulations pursuant to legislation that was passed at the General Assembly 2020 session, which required the Board to have regulations in effect within 280 days of enactment, became effective on January 5, 2021. She stated that the comment period for these regulations will be available from February 1, 2021 to March 3, 2021 (30-day comment period). 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.

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 scheduled to be effective March 3, 2021.

She reported that the proposed Regulations for the Funeral Service Internship Program (Chapter 40) were at the Governor's office for approval.

Ms. Yeatts reviewed the legislation pending from the 2021 General Assembly, including bills that may affect the Board of Funeral Directors and Embalmers or other Department of Health Professions Boards.

With no questions, Ms. Yeatts concluded her report.

BOARD DISCUSSIONS AND ACTIONS

Consideration of Revisions to Guidance Document 65-11, Inspection Guidance Document

Ms. Tillman Wolf reviewed the proposed changes to Guidance Document 65-11, Inspection Guidance Document.

Mr. Nelsen requested clarification on whether the proposed guidance related to a preparation room located in a separate building would apply to facilities with refrigerated storage located in a separate building. Ms. Tillman Wolf stated that the analysis likely would be the same regarding the location and care and handling in transporting decedents between buildings.

Upon a **MOTION** by Mr. Walton, properly seconded by Dr. Hickey, the Board voted to adopt the revisions to Guidance Document 65-11, Inspections Guidance Document as presented. The motion carried (9-0). (Attachment A)

Review of Guidance Document 65-3 for Readoption, Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement

Ms. Tillman Wolf reviewed Guidance Document 65-3 for readoption, Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement.

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Graves, the Board voted to readopt Guidance Document 65-3, Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement as presented. The motion carried (9-0).

Consideration of Additional Guidance – Licensure of Funeral Directors and Embalmers – Educational Requirements, Board-Approved Programs, and Intern Reporting

Ms. Tillman Wolf reviewed a draft guidance document specific to the licensure of Funeral Directors and the requirements for education and pathology coursework.

Ms. Yeatts provided additional input regarding the proposed language for clarification to the Board.

The Board discussed proposed language as presented by Ms. Tillman Wolf and Ms. Yeatts. Mr. Walton suggested amending the language pertaining to coursework in pathology which may be completed through a regionally accredited program or ABSFE mortuary science/funeral service program.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Ms. Mimms, the Board voted to adopt the language as presented and amended as a guidance document. The motion carried (9-0). (Attachment B)

Ms. Tillman Wolf provided an overview of the updated internship program applications and reporting for Funeral Directing and Embalming Interns. She requested input on the Areas of Knowledge and Training on the updated forms.

Mr. Walton suggested a change to the Funeral Directing Internship Areas of Knowledge to revise “Process for Organ/Tissue Donation” and “Process for Anatomical Donation” to “Process for Facilitating Organ/Tissue Donation” and “Process for Facilitating Anatomical Donation.”

Additionally, Mr. Walton suggested the addition of the “Storage, Handling, and Refrigeration of Remains” to the Areas of Knowledge and Training under the “Care and Preparation of Body.”

Ms. Tillman Wolf stated that these changes to the internship program reporting forms will be made and updated on the Board’s website.

NEXT MEETING

The next meeting date is April 6, 2021.

CONTINUING EDUCATION CREDIT

Mr. Slusser provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 65-20-151. He 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 January 26, 2021.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:14 p.m.

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

Board of Funeral Directors and Embalmers

GUIDANCE FOR INSPECTORS AND LICENSEES

If a funeral home or crematory transports a body from the hospital or place of death, does the body have to be in a cremation container?

The intent of the regulation is that upon arrival at the funeral home the decedent shall be placed in a cremation container for transfer to the crematory. 18VAC65-20-436(C).

Is the DEQ permit number of the retort required on every form in the deceased's cremation record?

No, it is only required to be listed on one form in the decedent's cremation record. 18VAC65-20-436(D).

Can a crematory that operates within a funeral establishment have a separate manager of record or can the establishment's manager serve as the manager of record for both?

Yes, a manager of record of the funeral establishment can also serve as manager of record of the crematory or they can have two separate managers. However if the manager of record of the crematory is not a licensee, the establishment's manager of record is ultimately responsible for both the establishment and the crematory. 18VAC65-20-435.

If a crematory is not a funeral establishment or a branch of a funeral establishment, can they sell preneed?

No, they must be licensed as a funeral establishment or a branch of a funeral establishment. Va. Code § 54.1-2805.

Do the regulations still require a contract number on a preneed contract?

No, however the funeral home must be able to show verification of the funding and payment. Va. Code § 54.1-2820.

What duties can unlicensed staff perform in the preparation of the body?

An unlicensed person may assist with cosmetizing, dressing and casketing the deceased. An unlicensed individual may wash or use soap and water to cleanse or prepare a dead human body for disposition by the authorized agents, family, or friends of the deceased who do so privately without pay or as part of the ritual washing and preparation of dead human bodies prescribed by religious practices.

When a funeral home takes arrangement instructions from another funeral home on an at-need contract, whose signature should be on the buyer's signature line?

It is not mandated by regulations but is suggested to have the calling funeral home's name and the name of the funeral director who is giving instruction on the buyer's signature line.

Can a funeral home keep a log or spreadsheet versus an individual embalming record?

No, 18VAC65-20-510 clearly requires that every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following: the deceased's name and date of death, the date

and location of the embalming, the name and signature of the embalmer and the license number of the embalmer and if the embalming was performed by a funeral service intern and if so the signature of the supervisor, location of embalming, date of death, date of embalming.

If a funeral home lists the full price of a package on the Statement of Goods and Services must it also identify on the contract the specific items that are included in the package?

Yes, the funeral home may either list the items individually on the Statement of Goods and Services or place an asterisk around each item included in the package on the contract. The intent is that the reader can understand which items are included in the package. (Appendix III)

Is it acceptable to the board for a license to be posted in a private business office?

No, a public lounge or an arrangement room is acceptable. 18VAC65-20-50 states that each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.

Additionally, if the funeral establishment uses contract embalmers only on rare occasions, a funeral home does not have to post that embalmer's license as long as the funeral home keeps it on file (Board approved 12/06).

Can enamel based paint be used as a material impervious to water?

Enamel based paint is considered impervious to water and is an acceptable material for the floor and wall surfaces.

May a drainage tube be connected to the embalming table and run straight into the sewer?

Yes, the regulations states that the preparation room shall be equipped with a flush or slop sink connected with public sewer or with septic tank where no public sewer is available. 18VAC65-20-580.

Can the disinfectants and antiseptic solutions be stored on the floor in the preparation room in properly labeled containers?

Yes, both disinfectants and antiseptic solutions may be stored on the floor of the prep room in properly labeled containers. Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination. 18VAC65-20-570.

What type of evidence does the board want regarding disposal of waste materials?

Disposal of all waste materials shall be in conformity with local, state, and federal law and regulation to avoid the possible spread of disease. The funeral service establishment shall provide evidence of a current contractual agreement with or services provided by a licensed medical waste disposal company. Evidence may include a letter of agreement, a contract or a recent billing for the service. 18VAC65-20-590.

Will the board accept electronic copies of requested documents that are no longer current?

Yes, the Board will accept electronic copies of forms that are no longer current.

Can the main funeral service establishment maintain all records, including those for branch establishments?

Yes, with the exception of embalming reports, which must be maintained at the site of the embalming pursuant to 18VAC65-20-700(A).

If the funeral home charges the same price for embalming of normal remains and autopsy remains, is it only necessary to list the charge once on the general price list?

Yes. (See Appendix 1 – General Price list)

Can you provide guidance on the price range for the following categories?

Immediate Burial: Your prices should range from the price for immediate burial with container provided by purchaser to the price for immediate burial plus your most expensive casket.

Direct Cremation: A price range must be given for a direct cremation. Your prices should range from the price of direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for cremation or the most expensive cremation casket, whichever is higher. When in doubt, please refer to Appendix 1 for reference or call the board office.

Funeral Merchandise: The casket and outer burial container price ranges shall match the prices on the Casket and Outer Burial Container Price Lists. The price does not include tax on the merchandise.

Is manufacturer information required for casket and outer burial container price lists?

Yes. Although the FTC does not require the manufacturers' names on the price lists, the Board does require this as means to identify the caskets and outer burial containers. 18VAC65-20-630; Appendix I and II.

Must the preneed list be separate from the insurance company's list and can a blanket statement be used indicating if 10% of the funds are retained?

The list may have a blanket statement indicating whether 10% of the funds are retained and if funeral merchandise is stored on the premises. 18VAC65-30-70. The preneed list must be separate from the insurance company's list and contain the required information stipulated by 18VAC65-30-70.

When do you add a name to the preneed list and when should you remove a name from the chronological list?

The proper time to add a name to the preneed list is when the funeral director and the buyer sign the pre-need contract. The time to remove a name from the list is after the death of the contract beneficiary.

What is a proper ventilation system?

The preparation room must have a ventilation system, which operates and is appropriate to the size and function of the room, and takes the air from the inside to the outside of the room. Holding a piece of paper near the vent usually will provide an adequate test for an operable ventilation system. *See, e.g.,* 18VAC65-20-580(1).

The language in Virginia Code § 54.1-2811.1 (B) is somewhat vague in the actual refrigeration requirement. The language reads “no more than approximately 40 degrees.” What temperature will be within acceptable limits?

The Board agreed to accept a 10% variance of the required temperature.

What constitutes evidence of placing and maintaining a body in refrigeration?

Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration. 18VAC65-20-581(C).

Can the preparation room for a funeral establishment be located in a separate building on the premises, or must the preparation room be contained within the main structure of the funeral establishment?

The Board’s statutes and regulations do not specify that the preparation room be contained within the main establishment building, as long as it is part of the property licensed as the main or branch establishment and is encompassed by the certificate of occupancy issued by the local building official. A preparation room located at a separate premises or property with a separate or different address should be licensed as a separate funeral services establishment. The facility should ensure the appropriate care and handling of decedents who may be transported between separate buildings on the premises of the funeral establishment. See Va. Code §§ 54.1-2800, 54.1-2811, 54.1-2811.1.

Can a crematory open a second retort in a second building under the crematory’s singular registration?

According to the *Code of Virginia*, a “crematory” or “crematorium” means “a facility containing a furnace for cremation of dead human bodies.” If the second retort is located on a separate property with a separate address, the retort in the second building should be registered separately as a crematory. A crematory that does not provide funeral services directly to the public is not required to obtain a separate license as a funeral establishment. Va. Code §§ 54.1-2800, 54.1-2814.1.

If embalming is included as a charge in a preneed contract, is this considered express permission to embalm at-need?

A dead human body shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order. Va. Code §§ 54.1- 2806(26), 54.1-2811.1 (B). Express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. 18VAC65-20-510.

The contract buyer or purchaser of a preneed contract may be the person who passes, not their next of kin, and the wording of the express permission language references permission given at-need rather than preneed (next of kin *of the deceased*). Accordingly, unless there is additional documentation indicating express permission to embalm, the inclusion of an embalming charge in a preneed contract alone would not constitute express permission.

Board of Funeral Directors and Embalmers

Guidance on Educational and Pathology Coursework Requirements for Funeral Director License Applicants

1. Educational Requirements – Funeral Director

For licensure as a Funeral Director in Virginia, the Board's Emergency Regulations, 18VAC65-20-231(A) (effective January 5, 2021) require the following:

A. To qualify for licensure as a funeral director, a person shall:

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, from a funeral directing program approved by the board;

In determining whether an applicant meets the educational requirements, the Board provides the following guidance:

- An applicant is required to complete at a minimum an Associate's Degree or its equivalent, which consists of at least 60 credit hours of coursework.
- As part of or in addition to the minimum Associate's Degree or 60 hours of coursework required, an applicant is required to complete a Board-approved program in funeral directing (at least 30 credit hours of the 60+ total hours).
- Funeral directing coursework should be completed through a school of mortuary science or funeral service that is accredited by the American Board of Funeral Service Education, Incorporated (ABFSE) for its mortuary science/funeral service program.

2. Funeral Directing – Course in Pathology

For licensure as a Funeral Director in Virginia, the Board's Emergency Regulations, 18VAC65-20-231(A) (effective January 5, 2021) require the following:

A. To qualify for licensure as a funeral director, a person shall:

4. Have successfully completed coursework in the area of pathology as approved by the board;

In determining whether an applicant meets the pathology coursework requirement, the Board provides the following guidance:

- An applicant may provide evidence of successful completion of a course offered by an accredited college or university, whether as part of a curriculum in funeral service, mortuary science, or funeral directing, or as a stand-alone course;
- An applicant may provide evidence of successful completion of a course in pathology that is approved by the Board for licensure as a funeral director; or
- An applicant may provide evidence of passage of a state exam in pathology required as part of the individual's initial licensure as a funeral director in another jurisdiction.