

**APPROVED
BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF BOARD MEETING**

**Tuesday, June 7, 2005
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712
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 9:05 a.m.

PRESIDING

J. Michael Williams

MEMBERS PRESENT

Billie Watson Hughes
Pratt P. Stelly
W.D. "Skip" Tharp
Randy Minter
Rev. Alane C. Miles
Barry Murphy
Robert Burger, Jr.
Joseph Jenkins, Jr.

STAFF PRESENT

Elizabeth Young, Executive Director
Elaine Yeatts, Senior. Policy Analyst, DHP
Annie B. Artis, Operations Manager
Mark Monson, Deputy Director of Administration, DHP
Charles Giles, Budget Manager, DHP

COUNSEL:

Jack Kotvas, Assistant Attorney General

GUESTS:

Lynn Armstrong Patterson, D.C. Board of Funeral
Bruce Kenney, I.F.H.V.
Thomas Gale, FSL.
Susan Motley, V.F.D.A.
Meredyth Partridge, R.S.S., Inc.
Twyla Dickerson, RSS, Inc.

QUORUM:

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With 8 members of the Board present, a quorum was established.

ORDERING OF AGENDA:

On a properly seconded motion made by Mr. Burger, the Board approved the agenda.

PUBLIC COMMENT:

Letter from Regulatory Support Services, Inc.

Ms. Young reviewed a letter from Meredyth Partridge, President of RSS., Inc., requesting clarification of the next of kin law. Mr. Thomas Gale, F.S.L., of Kilmarnock, VA stated that he is confronted with this situation constantly and desired to have a clear interpretation. The Board asked Mr. Kotvas, counsel to the Board, for an interpretation of the next of kin law. Mr. Tharp made a motion to refer the issue to Mr. Kotvas, Assistant Attorney General's office to provide an interpretation at the September board meeting. The motion was properly seconded by Ms. Hughes. The vote carried unanimously.

ACCEPTANCE OF THE MINUTES:

On a properly seconded motion by Ms. Hughes, the minutes were approved with amendments.

NEW BUSINESS

Election of Officers

Mr. Williams, President of the Board, stated that Mr. Jenkins was ill and expressed his wishes not to be nominated for any position at this time.

Nominations

President - Mr. Tharp made a motion to nominate Ms. Hughes to the office of President. The motion was properly seconded by Ms. Stelly. The vote carried unanimously.

Vice President – Ms. Stelly made a motion to nominate Mr. Murphy to the office of Vice President. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Secretary-Treasurer – Mr. Murphy made a motion to nominate Mr. Tharp to the office of Secretary-Treasurer. The motion was properly seconded by Ms. Stelly. The vote carried unanimously.

Mr. Minter made a motion to close the nominations. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Rev. Miles reminded the Board that the slate of officers would become effective July 1, 2005.

EXECUTIVE DIRECTOR'S REPORT

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Budget

Mark Monson, Deputy Director of Finance and Charles Giles, Budget Director of DHP addressed issues regarding the Board's budget. Mr. Monson informed the board that Finance is required to provide each board executive with a budget report at the end of every biennium. He stated that projections are based on historical evidence. The Board of Funeral Directors and Embalmers has not had a fee increase since 1999. Mr. Monson stated that fees have not increased; yet, salaries, employee/fringe benefits and costs of discipline cases have increased. He stated that Board's expenditures will exceed revenues by the end of 2006. Mr. Burger stated that funeral service is a business and regulatory fees need to be increased. Ms. Hughes agreed and further stated that fees should be increased across all occupations by the Board. Ms. Young informed the board that the increase would be minimal because the Callahan Act prohibits a substantial increase of revenue over expenditures. Mr. Kotvas provide an overview of the Callahan Act.

Ms. Stelly made a motion for the Board to submit a NOIRA for a fee increase. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

Board Calendar

Ms. Young asked the Board and the Legislative/Regulatory Committee to meet on July 12, 2005 to discuss the following:

- Adoption of its 2006 legislative proposal
- Preneed regulations
- General regulations
- Resident trainee program
- Surface transportation

The Board agreed to meet on July 12, 2005.

CONTINUING EDUCATION COMMITTEE:

Preliminary Recommendations

Mr. Burger was added to the Continuing Education committee. Ms. Hughes gave a brief report of the CEU Committee meeting of May 10, 2005. She stated that the committee discussed amending the regulation outlining the approval of CEU providers. She further added that North Carolina and Texas both have a staff person solely committed to the approval of CEU providers in their states. The Committee also discussed the elimination of the CEU provider approval process and a possible fee increase for the CEU provider license. The Board took no further action.

Preliminary Audit Report

Ms. Young reported that 25% of the audited funeral service licensees have not responded. She stated that a second letter will be mailed certified to those who have not responded. If no response is received, the unresponsiveness may be grounds for disciplinary action by the Board. Ms. Yeatts

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suggested that many boards within DHP have utilized the Confidential Consent Agreements for CEU violations.

Mr. Tharp made a motion to offer a Confidential Consent Agreement to any licensees who fail to respond to the second audit letter request. The motion was properly seconded by Ms. Hughes. The vote carried unanimously.

FOIA REQUEST FOR INTERPRETATION

Ms. Young reviewed with the Board the request for disclosure of applicant names to the general public.

Mr. Kotvas stated that the Board executive is the custodian of the records and has the discretion as to whether or not to release the records. Further, he stated that Ms. Young, in the past, has not released the applicant names and addresses.

Mr. Tharp made a motion to recommend that the Board change the policy to release the names and addresses of the applicants who take the funeral state law exam. The motion was properly seconded by Mr. Burger. There were two yeas (Tharp and Burger) and six nays (Williams, Miles, Hughes, Minter, Stelly and Murphy). **The motion failed 6-2.**

BOARD OF HEALTH PROFESSIONS MEETING OF APRIL 13, 2005

Ms. Yeatts provide a brief report of the Board of Health Professions meeting of April 13, 2005. She stated there are ongoing discussions regarding the telehealth and naturopaths studies.

FTC CORRESPONDENCE

Ms. Young stated that the Federal Trade Commission six-month report was submitted on April 7, 2005. She further stated that the next report is due April 7, 2006. Ms. Young stated that the Board is in full compliance.

CEMETERY BOARD

Ms. Young stated that a comprehensive report will be provided at the September meeting.

MASS FATALITIES MANAGEMENT TASK FORCE

Ms. Young stated that the Mass Fatalities Management Task Force was established based on a request from Secretary Woods to create state-wide response policies and procedures for mass fatalities events. She further stated that the Board needs to determine how many of its licensees have volunteered their email addresses to be contacted during a state emergency. Ms. Young and Ms. Jaspén attended the meetings on behalf of the Board. Mr. Murphy inquired as to the liability for funeral homes that volunteer during a state/federal emergency. Ms. Young stated that the state associations have asked for an interpretation from the Task Force.

Ms. Motley stated that VFDA members have mutually agreed upon the training and responsibilities of emergency volunteers. Ms. Hughes asked how one becomes selected as a volunteer. Ms. Motley

replied that anyone who wants to participate is eligible to do so.

INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS

Ms. Hughes provided a brief report on the Annual Convention of the International Conference of Funeral Service Examining Board held in Arkansas in April 2005. She stated that the Virginia Board of Funeral Directors and Embalmer provides far more services to its licensees and general public, specifically website services, than the majority of other states. Ms. Hughes stated that the pass rate on the Arts section of the national exam is 83.2% and on the Science section, the pass rate is 66.5%.

Ms. Young shared that Ms. Hughes is the District 2 representative on the Board of Directors of the International Conference. Ms. Hughes stated that she was nominated to serve on the Professional Policy and Examination (Arts) committees.

LEGISLATIVE/REGULATORY COMMITTEE

NOIRA

Ms. Yeatts reviewed the proposed NOIRA regarding the Resident Trainee regulations. She further stated that the Board would not adopt the changes today and only adopt the NOIRA. Ms. Stelly made a motion to adopt the Notice of Intended Regulation Amendment (NOIRA) for the Resident Trainee regulations. The motion was properly seconded by Ms. Hughes. The vote carried unanimously.

Mr. Minter thanked the Legislative/Regulatory Committee, Ms. Young and Ms. Yeatts for working with Norfolk State University and John Tyler Community College, in bringing the concerns all parties to the table to enhance the resident trainee program. He further stated he wanted to commend Ms. Young and the committee members for a job well done.

Legislative Proposals for 2006 Virginia General Assembly

Ms. Hughes made a motion to accept FDE – 1. The motion was properly seconded by Ms. Stelly. The vote carried unanimously.

Mr. Tharp made a motion to accept FDE – 2. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Ms. Hughes made a motion to accept FDE- 3. The motion was properly seconded by Mr. Murphy. The vote carried unanimously.

TASK FORCE ON THE RESIDENT TRAINEE PROGRAM

Rev. Miles made a motion to accept the resident trainee reporting forms as presented, with the recommended changes effective July 1, 2005. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

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Rev. Miles informed the Board that effective September 1, 2005, she is able to resume her duties on the Special Conference Committee. She further stated that the board may begin sending her cases mid-August.

BOARD RECOGNITION

Ms. Hughes presented recognition awards to J. Michael Williams, FSL and Pratt P. Stelly, Citizen Member for their outstanding years of service to the citizens of the Commonwealth of Virginia and the Board.

With all business concluded, the Board adjourned at 2:15 p.m.

J. Michael Williams, Chair

Elizabeth Young, Executive Director

Date

Date