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Proposed Regulation Agency Background Document

Agency name	Board of Funeral Directors and Embalmers, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC65-20-10 et seq. 18VAC65-30-10 et seq. 18VAC65-40-10 et seq.
VAC Chapter title(s)	Regulations for the Board of Funeral Directors and Embalmers Regulations for Preneed Funeral Planning Regulations for the Funeral Service Intern Program
Action title	Separate licenses for funeral directors and embalmers
Date this document prepared	4/6/21

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Pursuant to Chapter 943 of the 2020 Acts of the Assembly, this regulatory action establishes the education, examination, and experience required to be issued a license as a funeral director or an embalmer. Applicants will be required to obtain an associate's degree in an accredited mortuary science program or complete at least 60 hours of coursework with at least 30 hours from a funeral directing program approved by the Board. Coursework in embalming will not be required for the funeral director license, and coursework in funeral directing and preneed financing will not be required for the embalmer license. All funeral interns will be required to complete 2,000 hours of supervised experience in the area or areas of funeral practice for which they are seeking

licensure. Amendments are also necessary to insert the three types of licenses and scopes of practice, as applicable, throughout Chapters 20, 30, and 40.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

N/A

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Adoption of amendments to regulations by emergency action is required to comply with the second enactment clause of Chapter 943 of the 2020 Acts of the General Assembly; this proposed action replaces the emergency regulations currently in effect. The Board of Funeral Directors and Embalmers was mandated to promulgate regulations to implement the requirement for separate licenses for funeral directors and embalmers.

2. That the Board of Funeral Directors and Embalmers shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

The issues to be addressed are the education, examination, and experience requirements necessary for a funeral director and embalmers to be qualified for licensure in Virginia.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Funeral Directors and Embalmers the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400. General powers and duties of health regulatory boards.

The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure, permit, or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.
2. To examine or cause to be examined applicants for certification, licensure, or registration. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.
3. To register, certify, license, or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.
4. To establish schedules for renewals of registration, certification, licensure, permit, and the issuance of a multistate licensure privilege.
5. To levy and collect fees for application processing, examination, registration, certification, permitting, or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions, and the health regulatory boards.
6. To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) that are reasonable and necessary to administer effectively the regulatory system, which shall include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.)....

The specific statutory authority for this action is found in:

- § 1. That the Board of Funeral Directors and Embalmers shall promulgate regulations that establish the requirements of licensure for funeral directors and embalmers as defined in § 54.1-2800.
2. That the Board of Funeral Directors and Embalmers shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The purpose of the regulatory action is to establish requirements for education, examination, and experience that will ensure licensed funeral directors and licensed embalmers have adequate training and knowledge to perform their duties with competency in order to protect public health,

safety, and welfare in the handling of human remains, conducting funeral services, and arranging finances for funerals and disposition of the deceased.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Pursuant to Chapter 943 of the 2020 Acts of the Assembly, this regulatory action establishes the education, examination, and experience required to be issued a license as a funeral director or an embalmer. Applicants will be required to obtain an associate’s degree in an accredited mortuary science program or complete at least 60 hours of coursework with at least 30 hours from a funeral directing program approved by the Board. Coursework in embalming will not be required for the funeral director license, and coursework in funeral directing and preneed financing will not be required for the embalmer license. All funeral interns will be required to complete 2,000 hours of supervised experience in the area or areas of funeral practice for which they are seeking licensure. Amendments are also necessary to insert the three types of licenses and scopes of practice, as applicable, throughout Chapters 20, 30, and 40.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

- 1) The advantage to the public will be the potential for more individuals to come into the profession to ensure a supply of funeral directors and embalmers to serve the needs of citizens in the future. The recent workforce survey showed that over 47% of the current licensees are over 55 years of age, and growth in the profession has been very modest. There are no disadvantages; licensees will be adequately educated and trained to perform the duties without their scope of practice.
- 2) There are no advantages or disadvantages to this agency or the Commonwealth.
- 3) The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. The Board is authorized under § 54.1-2400 to promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) that are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) This proposal is consistent with the agency’s statutory responsibility to protect public health and safety in the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected - none

Localities Particularly Affected - none

Other Entities Particularly Affected - none

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources 	<p>As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners or entities for necessary functions of regulation. All notifications will be done electronically. Expenditures related to licensing and discipline of funeral directors and embalmers are offset by collection of application and renewal fees.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>No impact</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>No impact</p>

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	No impact
Benefits the regulatory change is designed to produce.	No benefit

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Persons most affected by the regulatory changes are those who want to be licensed as a funeral director or an embalmer.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are currently 187 funeral service interns (not affected by the regulatory changes) and one intern in funeral directing. The Board has approved one application for a funeral director license, and there are four pending applications.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no additional costs relating to these regulations.
Benefits the regulatory change is designed to produce.	The benefit may come from an increased supply of funeral directors to serve the needs of citizens.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The second enactment of Chapter 943 requires the promulgation of regulations to implement amended provision of § 54.1-3304.1 of the Code of Virginia. There are no alternatives to the adoption of regulations by the Board.

To develop the emergency regulations, the Board appointed a Regulatory Advisory Panel (RAP) with representatives of the three funeral/mortuary associations, the Board, and other interested

parties. The RAP met on August 14, 2020 and September 1, 2020. Among other agenda items, it heard a presentation from the patron of the legislation, Senator Jeremy McPike, and from Imam Ammar Amonette on the funerary practices of the Muslim community. The RAP also reviewed information from the International Conference of Funeral Service Examining Boards about the requirements in other jurisdictions that offer separate licensure in funeral directing and embalming. There are 31 jurisdictions in the U.S. and Canada that have a license in funeral directing and 25 offer an embalming license. The recommendations of the RAP were the basis for adoption of the emergency and the proposed regulations.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There is no regulatory flexibility; licensure is mandated by the Code.

Periodic Review and Small Business Impact Review Report of Findings

This regulatory action is not being used as a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Diane Rencsok Funeral Consumers Alliance of the Virginia Blue Ridge	Supports the creation of separate licenses but does not believe a course in pathology is necessary for a funeral directors, so that requirement should be removed. OSHA guidelines are provided for safe handling of human remains.	The Board declined to amend its emergency regulation in the adoption of proposed regulation. It continues to support a pathology course for all funeral licensees.
Eugene Gardner	It is unnecessary to require a course in pathology, as more	Same as above

	consumers are choosing cremation.	
Isabel Berney	There is no need for a funeral director to complete courses necessary for an embalmer.	A person seeking licensure as a funeral director is not required to complete courses in embalming.
Joanne	Supports the creation of separate licenses.	The Board appreciates the support.
Linda Plaut	Objects to the requirements for pathology course or embalming qualifications for a funeral director.	A person seeking licensure as a funeral director is not required to complete courses in embalming, but the Board continues to support a course in pathology for all funeral licensees.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board of Funeral Directors and Embalmers is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Elaine Yeatts, 9960 Mayland Drive, Suite 300, Richmond, VA 23233; phone (804) 367-4688; fax (804) 527-4434; Elaine.yeatts@dhp.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

Even though new, separate licenses as funeral directors and embalmers have not been issued since 1973, the Board has continued to allow funeral directors and embalmers to renew their licenses. Therefore, the license types have been reflected in some current regulations. However, with the mandate to begin issuing the three separate licenses with different requirements for education, examination, and experience, amendments are needed throughout Chapters 20, 30 and

40. Most of the amendments simply clarify the usage of three types of licensure – funeral service licensee, funeral director, and embalmer – or to refer to the three types of practice. In the following sections, only those edits to denote the separate licenses have been made:

- 18VAC65-20-130
- 18VAC65-20-140
- 18VAC65-20-151
- 18VAC65-20-154
- 18VAC65-20-235
- 18VAC65-20-350
- 18VAC65-20-630

- 18VAC65-30-10
- 18VAC65-30-50
- 18VAC65-30-220

- 18VAC65-40-10
- 18VAC65-40-40
- 18VAC65-40-90
- 18VAC65-40-110
- 18VAC65-40-180
- 18VAC65-40-280
- 18VAC65-40-340

Other amendments related to the issuance of the three license types are found in the following:

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
N/A	18VAC65-20-321	N/A	New section 231 sets out the requirements for a funeral director to be licensed by examination. Subsection A requires that an applicant: <ol style="list-style-type: none"> 1. Be at least 18 years of age and hold a high school diploma or its equivalent; 2. Have completed a funeral service or funeral directing internship prescribed by the board in regulation; 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; 4. Have successfully completed coursework in the area of pathology as approved by the board; 5. Have passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards; and

			<p>6. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.</p> <p><i>Currently, mortuary science programs in the two Community Colleges (Tidewater and John Tyler) require coursework in all phases of funeral service – directing and embalming. The requirements of this section specify graduation from an accredited program or completion of 60 hours of coursework from a funeral directing program. The regulation will allow a student to meet the requirement for a funeral directing license without having to complete coursework in the science of embalming.</i></p> <p><i>The Board does believe a course in pathology is essential for a funeral director to fully understand the nature of blood-borne pathogens and the science relating to human remains, so such a course is required. The course may be completed within a mortuary school program or may be a course approved by the board that can be taken online outside the program.</i></p> <p><i>An applicant for licensure must demonstrate competency by passage of a licensing exam – either the International Conference exam that is currently required for a funeral service license or a “State Board Examination in Arts”, which is the Arts portion of the National Examination that is offered to candidates for licensure in states where a funeral directing license is available. The applicant would not be required to take the Science portion of the national exam.</i></p> <p><i>Applicants for all types of licensure are required to pass the state examination on laws and regulations.</i></p> <p>Subsection B specifies the documentation that must be submitted with an application package to determine eligibility.</p> <p>Subsection C specifies that the Board may license someone with a felony conviction.</p> <p><i>The Code (§ 54.1-2813) has specific language for licensure for the practice of funeral service, including (i) must be at least 18 years of age; (ii) hold a high school diploma or its equivalent; (iii) have completed a funeral service internship prescribed by the Board in regulation; (iv) have graduated from a school of mortuary science or funeral service approved by the Board; and (v) have passed the examination for licensure. The Board, in its discretion, may license an individual convicted of a felony if he has</i></p>
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			<p><i>successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored.</i></p> <p><i>The Code authorizes the issuance of a funeral directing license but does not provide the specifications for that license as is found for the funeral service license. Therefore, the provisions of section 231 include similar language.</i></p>
	18VAC65-20-232		<p>Sets out the requirements for an embalmer license by examination.</p> <p>Subsection A requires an applicant for licensure as an embalmer to:</p> <ol style="list-style-type: none"> 1. Be at least 18 years of age and hold a high school diploma or its equivalent; 2. Have completed a funeral service or embalming internship prescribed by the board in regulation; 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 embalming program approved by the board; 4. Have passed the National Board Examination in Sciences or State Board Examination in Sciences of the International Conference of Funeral Service Examining Boards; and 5. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice. <p>Subsection B specifies the documentation that must be submitted with an application package to determine eligibility.</p> <p>Subsection C specified that the Board may license someone with a felony conviction.</p> <p><i>Licensure as an embalmer does require the coursework in embalming in a mortuary science program but would not require the applicant to have completed coursework in such areas as preneed funeral planning. The examination required would be the National Examination of the International Conference or the State Examination in Sciences, which is the Sciences portion of the national examination.</i></p> <p><i>Subsections B and C are identical to those in section 231.</i></p>
18VAC20-500		Sets our grounds for disciplinary action	<p>Number 10 is added to provide grounds for discipline if a licensee is found to be conducting activities or performing services outside the scope of one's practice or for which the licensee is not trained and individually competent.</p>

			<p><i>With separate licenses and scopes of practice, it is necessary for the Board to establish as grounds for discipline any practice outside the scope of one's license.</i></p>
18VAC65-40-130		Establishes the basic requirements for an internship	<p>Section 130 is amended to specify not only the general requirements for all internships in funeral practice, but to also specify the particular requirements of an internship in funeral directing or embalming.</p> <p>Subsection A amends the number of hours of training from 3,000 to 2,000 for all interns.</p> <p><i>In its regulatory action following a periodic review, the Board had already proposed to reduce the hours for a funeral service intern. The RAP and the Board discussed the hours and compared with other states – most of which require a year or the equivalent of training. There was concern that a reduced number of hours for an embalming license would not provide enough opportunity to work with a variety of human remains (autopsies, accidental deaths, etc.). It was agreed that at least 12 months of training is essential for all types of licenses to ensure competency.</i></p> <p>Subsection D is added to specify that interns in funeral directing must assist in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.</p> <p>Subsection E is added to specify that interns in embalming must assist in at least 25 embalming, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.</p>
	18VAC65-40-185		<p>New section 185 specifies the requirements for an application for funeral directing or embalming licensure.</p> <p><i>The requirements for a funeral service intern are specified in § 54.1-2817 of the Code and in section 180. Those requirements for an applicant in funeral directing or embalming are set out in section 185 in the amended regulation.</i></p>
18VAC65-40-220		Sets out qualifications for a site to be used as training of interns	<p>Subsection A is amended by adding #4 and #5 to specify the particular qualifications for a site to be used to train a funeral directing intern or an embalming intern. The site must have 50 or more funerals over a 12-month period for a funeral directing intern, or it must have 50 or more bodies for embalming for an embalming intern. In both cases, the funeral establishment can seek approval to use additional training sites if they don't have the requisite number of funerals or embalming.</p>
18VAC65-40-250		Sets out requirements for supervision	<p>Subsection F is added to specify that no more than two interns can be concurrently registered by a licensed supervisor in any category of licensure and to require that the supervisor be actively</p>

		<p>of a funeral intern</p>	<p>employed or under contract with a funeral establishment. <i>The intent of the additional subsection is to ensure that an intern is being actively supervised rather than supervision in name only. The Code of Virginia provides the limitation of two per supervisor for funeral service interns, but does not specifically address a limitation for funeral directing or embalming interns. Therefore, the amendment to section 250 is necessary for consistency with the Code for all three categories.</i> <i>§ 54.1-2817: No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.</i></p>
<p>18VAC65-40-320</p>		<p>Sets out requirements for reporting to the Board on an internship</p>	<p>In its periodic review, the Board had already proposed the changes in subsection A and B, so they are repeated in this action. Subsection C is added to specify that an intern cannot receive credit for training on a new 1,000 report until the previous 1,000 hour report has been approved by the board. <i>The purpose is to ensure that the intern is not wasting hours in activity that is not approved for the scope of practice or that the intern is being solely utilized for activities that do not lead to licensure. For example, if a funeral directing intern has not assisted in a single arrangement meeting in the first 1,000 hours, it would indicate that the establishment is not providing adequate training.</i> Subsection D is added to mirror the language in the Code for funeral service interns so it is applicable to funeral directing and embalming interns. <i>§ 54.1-2817: Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the Board may deny an additional internship. A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.</i></p>

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage
20-231	In subsection A2, an applicant is required to complete a funeral service internship.	An applicant for licensure as a funeral director may qualify by completion of a “funeral directing” internship instead of a “funeral service” internship. <i>The amendment corrects an oversight in the adoption of emergency regulations.</i>
20-231	In subsection A 3, an applicant for a funeral directing license is required to have completed an accredited associate degree in funeral service <u>or</u> at least 60 hours of coursework from a funeral directing program approved by the board.	The amendment to the emergency requirement is the insertion after “coursework”, “of which at least 30 hours shall be in coursework” from a funeral directing program approved by the board. <i>The Board does not intend to require “board-approval” for all 60 hours – only for the 30 hours that pertain to funeral directing. The amendment is less restrictive and consistent with a guidance document (65-7) that the Board adopted at its January meeting stating its interpretation of section 231:</i> In determining whether an applicant meets the educational requirements, the Board provides the following guidance: <ul style="list-style-type: none"> • 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.
20-232	In subsection A2, an applicant is required to complete a funeral service internship.	An applicant for licensure as an embalmer may qualify by completion of an “embalming” internship instead of a “funeral service” internship. <i>The amendment corrects an oversight in the adoption of emergency regulations.</i>
20-500	Current regulations list failure to register as a supervisor for a funeral service intern as grounds for disciplinary action for a licensee.	The amendment in the proposed action deletes the words “funeral service” so the regulation references “intern” and is applicable to any type of intern. <i>The amendment corrects an oversight in the adoption of emergency regulations.</i>
30-50	Current regulations prohibit a funeral service intern from engaging in the sale of preneed funeral planning.	The amendment in the proposed action deletes the word “service” so the regulation references a funeral intern and is applicable to any type of intern. <i>The amendment corrects an oversight in the adoption of emergency regulations.</i>
40-130	Section 140 in Chapter 40 sets out the requirements for an internship in funeral service, funeral directing, or embalming.	Subsection F is added to clarify the process for a person who completes an internship as a funeral director or an embalmer, but who then wants to become a funeral service licensee with the full range of tasks and responsibilities. The proposed language states that registration as an intern expires upon issuance of a license as a funeral director or an embalmer. If someone wants to pursue the funeral service license, a new internship may be approved by the Board for the duration of time needed to complete additional courses and cases. An internship cannot be used just for the purpose of expanding one’s scope of practice. Subsection G is added to specify that an intern must be appropriately identified to the public by use of a title, nametag, or any form of communication.
40-320	In subsection D, the regulation specifies the period of 90 days in which an intern may continue to practice upon completion of internship hours or until the intern has received the results of all examinations required by the board, whichever occurs first .	The phrase “whichever occurs first” is deleted to conform the regulatory language with statute in 54.1-2817 which states: <i>A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board.</i>