

January 12, 2024

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Friday, January 12, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, President
Lacyn Barton, FSL, Vice-President
S. Jonathan Hines, FSL, Secretary-Treasurer
Muhammad Hanif, Citizen Member
Mia F. Mimms, FSL, JD
R. Thomas Slusser, FSL
Eric Wray, II, FSL

BOARD MEMBERS NOT PRESENT:

Joseph Michael Williams, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Director of Legislative and Regulatory Affairs
Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Melanie Pagano, Deputy Executive Director
Matt Novak, Policy and Economic Analyst
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Seth Austin, State Registrar, Director, Office of Vital Records, Virginia Department of Health
Laura McHale, Association of Independent Funeral Homes of Virginia/Keeney Group
Gary Pond, Senior Inspector, Department of Health Professions
Barry Robinson, Virginia Morticians' Association

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

CALL TO ORDER

Mr. Graves called the meeting to order at 10:01 a.m. and asked the Board members and staff to introduce themselves.

Mr. Graves welcomed Mr. Slusser and Mr. Wray as new board members.

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

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

Mr. Graves reminded the Board members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board meeting and Formal Hearing held on October 12, 2023. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Mr. Graves opened the floor to any additional items to add to the agenda.

Ms. Tillman Wolf noted that Ms. Morton was unable to attend the meeting and would provide an Enforcement Inspections update at a future meeting.

Ms. Tillman Wolf also stated that Mr. Novak was prepared to provide the Legislative and Regulatory Report if Ms. Barrett was unable to attend the meeting due to a possible conflict.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Hanif, the Board voted to accept the agenda as amended. The motion carried (7-0).

PUBLIC COMMENT

Mr. Robinson, Virginia Morticians' Association (VMA), thanked the Board members and staff for their commitment and service. Mr. Robinson requested the Board to consider adjusting the inspection process to require the Manager of Record of an establishment to be present during an inspection to allow for possible deficiencies to be addressed at the time of the inspection.

Ms. Barrett arrived at 10:07 a.m.

AGENCY REPORT

Mr. Owens welcomed Mr. Slusser and Mr. Wray as new board members. He spoke briefly about the start of the 2024 General Assembly session. He stated that Sarah Rogers has been recently hired to the position of DHP Enforcement Director.

Mr. Owens stated that DHP has begun a Business Process Reengineering (BPR) review to evaluate any possible improvements to the licensure process. He said that two boards have completed the process with

possible proposals. Mr. Owens also reported on the building improvements throughout the building, including LED lighting on all floors.

Mr. Owens thanked the Board Members for their service, dedication, and time to the Board.

With no questions, Mr. Owens concluded his report.

PRESENTATION

Electronic Death Registration System (EDRS) - Seth Austin, State Registrar, Director, Office of Vital Records, Virginia Department of Health

Mr. Austin stated that Celes Davis, Chief Deputy State Registrar, Virginia Department of Health, Office of Vital Records was unable to attend the meeting. Mr. Austin provided a presentation to the Board on the Electronic Death Registration System (EDRS) and organizational changes at the Office of Vital Records following the retirement of key personnel.

Mr. Graves thanked Mr. Austin for his presentation, as well as the improvements made in customer service at the Office of Vital Records.

Mr. Wray commented on the field team's quick response time at Vital Records. He requested clarification on death certificate amendments regarding accuracy of decedent's information. Mr. Austin stated that the Code of Virginia has information related to evidence and would be open to a discussion on this topic and suggested that Mr. Wray contact the Vital Records office for further assistance.

STAFF REPORTS

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

Welcome "New" Board Members

Ms. Tillman Wolf welcomed Mr. Slusser and Mr. Wray to the Board as newly appointed Board Members.

Board Updates

Ms. Tillman Wolf stated that the Board sent out several email notifications to licensees since the last Board meeting, including information on updates to the e-amendment process from the Office of Vital Records, Department of Health (December 4, 2023), changes to release hours for the Northern District of the Office of the Chief Medical Examiner's Office (December 1, 2023), and the Board's news brief (December 13, 2023).

Ms. Tillman Wolf reported on the Virginia Morticians' Association training provided in November 2023 on Laws, Regulations, and Inspections. She also reported on the upcoming Tidewater Funeral Directors Association Laws and Regulations training to be provided by Jason Graves on January 15, 2024.

Ms. Tillman Wolf reported that, following a request from a Board Member in April 2023, staff identified Funeral Supervisors with current, active registrations but who did not currently have active interns under their supervision. She noted that Funeral Supervisors must separately register for each intern for whom they were providing supervision. Following a December 2023 notice to the expired funeral supervisors, the Board's records would be updated to accurately reflect this information.

Ms. Tillman Wolf stated that the Board has successfully completed the process of implementing automated email bots to notify applicants of the status of their applications, as well as the notification following approval of a license or registration.

Ms. Tillman Wolf stated that board staff held a new board member orientation on December 14, 2023. She noted that Mr. Wray was in attendance.

Ms. Tillman Wolf noted several items in progress for 2024 including updates to the board website, the Business Process Reengineering consultation for the licensure process, the continued implementation of online applications, the necessity for the Examination Committee to convene to update the Laws, Rules, and Regulations (LRR) examination, and upcoming board member training. She stated that Board staff would remain on stand-by for possible legislation in 2024 that may impact the Board.

Ms. Tillman Wolf stated that there were a number of items on the radar: increased inquiries related to stand-alone crematories, complaints related to unlicensed practice, and incoming questions related to inspections. She noted that additional information would be provided as it became available.

International Conference Updates

Ms. Tillman Wolf provided an update regarding the upcoming annual meeting of the International Conference of Funeral Service Examining Boards scheduled for February 2024. The International Conference recently updated its publication with state licensure comparisons, *Regulations in Licensing*.

Notes and Reminders

Ms. Tillman Wolf reminded Board Members of the required Annual Statement of Economic Interests due on February 1, 2024. She asked that Board Members provide any updates to their contact information.

2024 Board Meetings

Ms. Tillman Wolf announced the remaining 2024 Board meeting schedule.

- April 16, 2024
- July 16, 2024
- October 10, 2024

Mr. Graves requested additional information on the BPR process. Ms. Tillman Wolf stated that it would benefit all of the boards by reviewing the global and all-inclusive efficiency of the application process.

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

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

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

- Q3 2021 – 20/22
- Q4 2021 – 22/10
- Q1 2022 – 19/18
- Q2 2022 – 19/12
- Q3 2022 – 24/22
- Q4 2022 – 28/21
- Q1 2023 – 5/23
- Q2 2023 – 10/21
- Q3 2023 – 11/13
- Q4 2023 – 27/11
- Q1 2024 – 24/22

As of December 31, 2023, Ms. Pagano reported the following disciplinary statistics:

- 20 Patient Care Cases
 - 6 at Informal
 - 4 at Formal
 - 3 at Enforcement
 - 7 at Probable Cause
 - 0 at APD
- 61 Non-Patient Care Cases
 - 5 at Informal
 - 2 at Formal
 - 22 at Enforcement
 - 30 at Probable Cause
 - 2 at APD
- 14 at Compliance

With no questions, Ms. Pagano concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics with no updates from the prior meeting.

License	June 30, 2023 (Q4 2023)	September 30, 2023 (Q1 2024)	Difference (+/-)
Funeral Service Licensees	1,542	1,580	+38
Funeral Director	43	45	+2
Embalmer Only	4	5	+1
Supervisors	585	607	+22

Funeral Service Interns	208	232	+24
Funeral Directing Interns	36	39	+3
Embalmer Interns	2	2	0
Funeral Establishments	423	425	+2
Branch Establishments	84	87	+3
Crematories	132	137	+5
CE Providers	11	11	0
Courtesy Card Holders	131	134	+4
Surface Transport & Removal Svc.	45	47	+2
Total (*not incl. supervisors)	2,661	2,744	+83

License Renewal Notifications

Ms. Georgen reported on the upcoming licensure renewal notifications for licenses set to expire on March 31, 2024.

Updates

Ms. Georgen provided an update on the Board's licensure bots, the online application for Funeral Supervisor registration, documentation uploads, and an upcoming redesign of the Board's website.

Customer Satisfaction

Ms. Georgen reported on the quarterly results of the customer satisfaction survey for 2023.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided an update on the 2024 Internal Revenue Service (IRS) standard mileage rate increase.

Ms. Georgen also provided a reminder to Board Members regarding the Remittance Electronic Data Interchange (REDI) regarding notification of pending deposits for expense reimbursement.

With no questions, Ms. Georgen concluded her report.

BREAK

The Board took a break at 10:53 a.m. and reconvened at 11:00 a.m.

Inspections Report – Lynne Helmick, Inspections Compliance Specialist

Ms. Helmick provided a reporting of the type of inspections conducted in 2023 for main establishments, branch establishments, and crematories, as well as the deficiencies reported. She further reported on the types of investigations resulting from inspections and provided information on correction deadlines, repeat deficiencies, and inspector updates.

BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General

Mr. Saunders provided an update on two pending court cases involving the Board.

With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the International Conference of Funeral Service Examining Boards – Lacyn Barton, FSL

Ms. Barton reported on The International Conference of Funeral Service Examining Boards (the Conference) regarding virtual learning opportunities in 2024.

She also reported on new legislation in Colorado to regulate Funeral Directors. She stated that she would report more information as it became available, but it could potentially effect licensure to Virginia by endorsement.

Ms. Barton reported on the National Board Examination (NBE) Pass Rates.

With no questions, Ms. Barton concluded her report.

LEGISLATION AND REGULATORY ACTIONS

Report on Status of Regulations –Matt Novak, Policy and Economic Analyst

Mr. Novak provided an update on pending regulatory actions.

With no questions, Mr. Novak concluded his report.

Legislative Report - Erin Barrett, Director of Legislative and Regulatory Affairs

Ms. Barrett provided a brief overview of pending legislation from the 2024 General Assembly. She noted that more information would be available at the next Board meeting following the conclusion of the session.

Mr. Wray asked for clarification in relation to HB 652 Funeral arrangements; definition of next of kin; proof of designated person as it applies to a conservatorship and the next of kin. Ms. Barrett said that she would examine the text further. Ms. Tillman Wolf clarified that the bill includes language to prioritize or to clarify the order of next of kin within the definition of “next of kin.”

With no other questions or comments, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Completion of Periodic Review of Public Participation Guidelines (18VAC65-11-10 et seq.)

Mr. Novak provided an overview of the completion of a periodic review of the Board's Public Participation Guidelines.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Wray, the Board voted to retain the Public Participation Guidelines in 18VAC65-11-10 et seq., as presented with no amendments. The motion passed unanimously (7-0).

NEXT MEETING

The next meeting date is April 16, 2024.

ADJOURNMENT

Mr. Graves stated that the Board would convene a formal hearing following adjournment and asked all Board Members to participate, with the exception of Ms. Mimms and Ms. Barton. He requested that Board Members participate in probable cause review prior to the formal hearing.

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 11:29 a.m.

Corie Tillman Wolf, J.D., Executive Director

Date