

FINAL APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF GENERAL BOARD MEETING

Tuesday, December 3, 2002
6603 West Broad Street
Richmond, Virginia 23230-1717
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 9:02 a.m.
- PRESIDING:** Paul C. Whitten
- MEMBERS PRESENT:** Bobby Gardner, Sr.
Robert "Bob" Oman
Jack Miller
J. Michael Williams
Joseph Jenkins, Jr.
Alane C. Miles
- MEMBERS ABSENT:** Charles M. Bristow, Jr.
Pratt Stelly
- STAFF PRESENT:** Elizabeth Young, Executive Director
Pamela Horner, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst
- COUNSEL PRESENT:** Roscoe Roberts, Assistant Attorney General
- GUESTS:** David Partridge, RSS, Inc.
Christine Martin, Board Administrator, Cemetery Board, DPOR
- QUORUM:** With 7 members of the Board present, a quorum was established.
- ORDERING OF AGENDA:** On a properly seconded motion by Mr. Miller, the Board approved the revised agenda.
- ACCEPTANCE OF MINUTES:** On a properly seconded motion by Mr. Oman, the Board voted to approve the minutes of the Public Hearing of September 10, 2002 as amended, the Board Meeting on September 10, 2002 as amended, the Task Force on the Inspection Process meeting of October 16, 2002, the Telephone Conference Call meeting of October 24, 2002, and the Telephone Conference Call meeting of November 14, 2002.

NEW BUSINESS:

Division of Vital Records of Department of Health

The Board advised Ms. Young to draft correspondence to Deborah Little-Bowser regarding necessity of license number for funeral service licensee obtaining death certificate for family member of deceased.

Also, the Board advised Ms. Young to draft comments for Board approval regarding the proposed Division of Vital Records regulation. The Board wished that the comments address: deletion of requirement of transit permit or adding third page to death certificate as transit permit, inform doctors of requirement to complete death certificate in black ink, proposed regulations fail to require health officials to report non-compliant physicians to the Board of Medicine, non-compliance of associate physicians to sign death certificate, and failure of death certificate filing by the 72 deadline to health department.

During the discussion, Mr. Oman asked to discuss the issue of irrevocable trusts and the impact on it by Medicaid. The issue of irrevocable trusts was referred to the Legislative/Regulatory Committee for further discussion.

Cemetery Board

The Board reviewed the previous meetings' minutes of the Cemetery Board. Ms. Young attended the November 14, 2002 meeting of the Cemetery Board and provided clarification of the Board involvement in the current HJR 159 survey. Ms. Young also reminded the Board of its Memorandum of Agreement with the Cemetery Board. Christine Martine, Board Administrator of the Cemetery Board was introduced and welcomed.

Reinterpretation of Full-Time Manager Requirement

The Special Conference Committee and Ms. Young requested the Board to readdress the issue of the full-time manager requirement and employment in other jobs non-related to funeral service.

On a properly seconded motion by Mr. Williams at 10:25 a.m., the Board voted 6-0 in favor of the motion to enter in a closed meeting pursuant to §2.2-3711 (A) (28) of the Code of Virginia to seek legal counsel concerning the

CLOSED SESSION

matter.

RECONVENE

On a properly seconded motion by Mr. Williams, The Board voted 6-0 in favor of the motion, that only Public business matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The Committee reconvened in open session at 11:15 a.m., pursuant to §2.2-3712 (D) of the Code.

The Board decided not to create a guidance document or provide an interpretation at this time regarding the issue full-time manager. The Board did express concerns of availability of managers who work for funeral homes. It referred the issue for further discussion to the Legislative/Regulatory Committee.

OLD BUSINESS

Newsletter

Ms. Young advised the Board that the newsletter will no longer be published in print, but will be published only on website. This decision is a cost cutting measure for the board. Some members of the Board expressed their displeasure of not given the opportunity to render the decision to stop the print publication of the newsletter. The Board advised Ms. Young to contact all of the trade associations in Virginia to notify their members of the new newsletter policy.

Board Response to HJR 579 Survey:

At the September 3, 2002, Ms. Young provided the Board with a copy of her response to the HJR 579 survey.

The Board reviewed summary documents from the Joint Subcommittee meeting. The Subcommittee proposed the merging of the Board and the Cemetery Board based on the similar duties and clients served by both boards.

Mr. Whitten commended Mr. Oman for attending the Subcommittee meeting on October 23, 2002. Mr. Whitten expressed his disappointment that the Board was not notified of the proposal. Also, Mr. Whitten stated that he resented not being informed of the issue of the transfer of the Board to DPOR.

On a properly second motion by Ms. Miles, the Board voted to respond to the survey in writing. The Board requested Ms. Young to prepare a draft response and distribute to the board prior to distribution to the Subcommittee.

Legislative/Regulatory Committee:

- Proposed Continuing Education Regulations:

Elaine Yeatts, Sr. Policy Analyst for DHP reported that the continuing education regulations have been approved by DPB and now must be approved by the Governor's office prior to publication and public comment. Young stated that the public hearings on the proposed regulations would be across the state. The first meeting of the Continuing Education Committee is January 21, 2003.

- Proposed Final Regulations:

On a properly seconded motion by Mr. Jenkins, the Board voted to approve the final proposed regulations with amendments and corrections governing the resident trainee program.

On a properly seconded motion by Mr. Jenkins, the Board voted to approve the final proposed regulations governing the preneed.

**Executive
Director's
Report:**

**Report of the Initial and Renewal Applications of
Waiver of Full-time Manager Requirements:**

Ms. Young presented the quarterly report of the firms under the waiver of the full-time manager requirement

Ms. Young advised that the Board currently has 85 open disciplinary cases. Ms. Young provided the Board with a

**Virginia Board of Funeral Directors and Embalmers
General Board Meeting
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DRAFT

Licensee Count Report, current Board Calendar, and the Cash Balance Report as of September 30, 2002.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:20 p.m.

Paul C. Whitten, President

Elizabeth Young, Executive Director

Date

Date