

UNAPPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF LEGISLATIVE/REGULATORY COMMITTEE

Wednesday, May 3, 2006
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230
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

Billie Watson Hughes, Chair

MEMBERS PRESENT:

Joseph Jenkins, Jr.
Randolph T. Minter

OTHER BOARD MEMBERS PRESENT:

Michael Leonard

COMMITTEE MEMBERS ABSENT:

Walter S. Ball
Willard D. Tharp

COUNSEL:

Jack E. Kotvas, Assistant Attorney General

STAFF PRESENT:

Elizabeth Young, Executive Director
Annie B. Artis, Operations Manager
Elaine Yeatts, Senior Policy Analyst

QUORUM:

With four members present, a quorum was established.

GUESTS PRESENT:

Susan Motley, Virginia Funeral Directors Association
Meredyth Patridge, Regulatory Support Services, Inc.
Sherri Douglass, Regulatory Support Services, Inc.

ORDERING OF THE AGENDA:

Mr. Leonard made a motion to accept the agenda as written. The motion was seconded by Mr. Jenkins. The vote carried unanimously.

PUBLIC COMMENT:

Ms. Sherri Douglass introduced herself to the Board. She was formerly the executive director of the West Virginia Funeral Board.

REVIEW OF MINUTES

The Committee reviewed its minutes of the March 22, 2006 meeting.

2007 LEGISLATIVE PROPOSALS

FDE #1

§54.1-2402. and §54.1-2800, et. Al of the Code of Virginia are amended and reenacted as follows:

Change the name of the board from ~~Board of Funeral Directors and Embalmers~~ to **Board of Funeral Services.**

A motion was made by Mr. Leonard to accept the proposed changes. The motion was properly seconded by Mr. Jenkins. The vote carried unanimously.

FDE #2

§54.1-2800. Funeral supplies and services.

It was the consensus of the Committee to defer this issue until further research, i.e. a comparison of other states' laws.

FDE #4

§18VAC110-20-120. Special or limited-use funeral service establishment permits.

For good cause shown, the board may issue a special or limited funeral service establishment license, when the scope, degree or type of funeral service to be provided is of a special, limited or unusual nature as compared to a regular funeral service. The permit to be issued shall be based on special conditions of use requested by the applicant and imposed by the board in cases where certain requirements of regulations may be waived.

Mr. Kotvas recommended that the Board accept the language as written and develop the regulations as necessary. Ms. Douglas interjected that West Virginia issues various categories of permits, i.e. licenses.

Mr. Jenkins made a motion that the Board submit the recommended changes to the full Board to accept the language as amended under §18VAC110-20-120. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

Mr. Leonard stated the Board should address means to broaden the practice of funeral service; not to narrow the practice. He further stated that the mission of the Board is to protect the consumers and be proactive; therefore, anyone who handles dead human bodies must be licensed.

Ms. Young recommended that this committee convene on June 6, 2006, at 8:00 a.m., prior to the full Board meeting to further discuss the issue of limited licensure.

FDE #5

§54.1-2825 Person to make arrangements for disposition of remains.

Any person may designate by written agreement in a signed and notarized writing, ~~which has been accepted in writing by the person so designated,~~ an individual who shall be responsible ~~make arrangements for his burial or the disposition of his remains, including cremation, upon his death.~~ The person so designated supersedes the wishes of the any other next of kin as defined in §54.1-2800.

Mr. Minter made a motion to add “any other” to the last sentence along with the previous recommended changes. The motion was properly seconded by Mr. Jenkins. The vote carried unanimously.

Mr. Leonard made a motion to add the language to §18VAC65-20-170 in the regulations for an establishment license similar to the language in §54.1-3434; prohibiting an establishment owner from abridging the authority of the manager of record to exercise professional judgment relating to the practice of funeral service in accordance with the law and regulations. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

Mr. Leonard asked if there was further clarity regarding transit permits. Ms. Young stated that the decision of the Commonwealth Attorney’s office was that the family member does need a transit permit for cremains. Mr. Leonard also inquired as to whom a funeral service licensee would call when there are problems regarding the signing of death certificates. Ms. Young informed him that the Director of Vital Statistics had jurisdiction over the signing of death certificates. Mr. Leonard suggested that the name, agency and telephone number be published on our website for easy access to the public and to the funeral industry. Also, he expressed concerns about the requirement for a special type of writing instrument to be used on the death certificates.

ADJOURNMENT:

With no further business, the committee adjourned at 11:21 a.m.

Billie Watson Hughes, Chair

Elizabeth Young, Executive Director
