

UNAPPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF THE TASK FORCE ON CREMATION LAWS AND REGULATIONS

Thursday, May 4, 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 9:10 a.m.

PRESIDING

Willard D. Tharp, Chair

MEMBERS PRESENT:

Joseph Jenkins, Jr.

TASK FORCE MEMBERS:

Mike Doherty, Fairfax Memorial Funeral Home
Meredyth Patridge, Regulatory Support Services, Inc.
Sherri Douglass, Regulatory Support Services, Inc.
James Stuart, Hampton Memorial Gardens
Susan Motley, Virginia Funeral Directors Association

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 two members present, a quorum was established.

ORDERING OF THE AGENDA:

The agenda was accepted as written.

PUBLIC COMMENT:

Ms. Partridge commented regarding the Cremation Association of North America (CANA) Model Cremation law. She stated that CANA's thrust is to have the funeral homes embrace due diligence. Ms. Partridge stated that Regulatory Support offers a three hour CEU course on cremation. She stated that crematories have stated there is not enough guidance and they are requesting more regulations in the event of a lawsuit. Ms. Young informed Ms. Partridge that the crematories need to put their concerns in writing. Mr. Stewart stated that his facility has tight procedures regarding cremation and all beneficiaries must sign the authorization. He stated that it would be a good idea to view laws to share them with the board. Mr. Doherty who is a member of CANA stated that New York is working on a version of the CANA law. He stated that CANA would like to see all crematory operators licensed. He further stated that hierarchy, and next of kin needed to be examined. Ms. Douglass stated that in 1998, West Virginia researched other states using CANA as a model. She stated that there was a mechanism in place for disputes; they were handled through petitioning of the courts, which eliminated the funeral home from the process. Ms. Douglass suggested that the Board look at West Virginia and Minnesota as models. Mr. Tharp stated that tracking and positive identification were very important. He stated that the Board wanted to be ahead of the curve in providing guidance and protection. Mr. Tharp stated that he wanted the Board to develop legislation that everyone agrees with. Mr. Kotvas suggested D.N.A. for positive identification.

REVIEW OF MINUTES

Ms. Young provided a copy of the March 22, 2006 Legislative/Regulatory meeting for review. She stated that the Task Force was a recommendation from the March 22nd Legislative/Regulatory Committee meeting.

CURRENT CREMATION LAWS AND REGULATIONS

Ms. Young stated that the current cremation laws and regulations were provided for review. She stated that the current laws are limiting.

CREMATION ASSOCIATION OF NORTH AMERICA (CANA) MODEL LAW

Ms. Young stated that the 1st charge of the Task Force is to identify the weaknesses in the law and determine what is required. Ms. Yeatts stated that it would be very helpful to have a person from the Department of Environmental Quality on the Task Force as well as an inspector to determine if emissions are still an issue. Ms. Yeatts suggested that the following topics be discussed: tracking and monitoring of cremains from the beginning to the end; authorization for cremation; hierarchy; next of kin; positive identification; equipment standards for cremation; inspection by various agencies and operator standards and whether or not the cremation of pets may be performed in the same retort.

Mr. Stuart stated that an identification of the decedent is a big problem. He stated that his firm has an I.D. and release authorization form and he will submit it for the committee's review. Ms. Partridge stated she would like to address the situation of an attorney keeping cremains beyond the disposal date. Mr. Doherty stated he would like to discuss immunity from law suits if the proper procedure is followed. Ms. Douglass stated that in West Virginia, before an entity can be registered as a crematory, they must undergo training conducted by the board. Mr. Tharp stated that CANA had a two-day training class that would be very helpful. Mr. Doherty stated that some programs have "train the trainer" workshops. Ms. Partridge stated that another issue was cremating bodies that contain radioactive isotopes. She stated that CANA states that if the deceased has a pace maker at the time of death, it is the responsibility of the funeral home to remove it before cremation occurs; it is the responsibility of the authorizing agent and full disclosure by the agent is also required. Ms. Motley stated that CANA and North Carolina have a lot of preneed cremation laws.

North Carolina Cremation Laws and Regulations

Ms. Yeatts stated that the Board could do one or two of the following:

- Add by law, fill one of the seats on the Board with a crematory operator
- Create in law an advisory committee to the board made up of crematory owners; they would have to be persons who have a free standing crematory.

It was suggested that Mr. Doherty and Mr. Stuart be added to The Task Force on cremation. Ms. Douglass suggested that if one of the seats on the board was changed, it could be converted to a crematory owner; an operator who is not a funeral service licensee. Mr. Tharp stated that the operator of the crematory must be properly trained and have a licensed funeral home that must have a manager of record. He further stated that anyone who operates the retort must be properly trained and the manager of record would be responsible for the management of the facility and the training of the operators. Ms. Partridge stated that the holding areas for the remains should be held to the death with dignity laws. She further stated that it would be very helpful to review procedures on recordkeeping and final disposition of cremains.

Ms. Young stated that the next Task Force meeting on cremation laws and regulations will be held at the end of July.

ADJOURNMENT:

**Virginia Board of Funeral Directors and Embalmers
Task Force on the Cremation Laws and Regulations
May 4, 2006**

With no further business, the committee adjourned at 11:50 a.m.

Willard D. Tharp, Chair

Elizabeth Young, Executive Director

Date

Date