

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Thursday, October 12, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #4, 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  
Joseph Michael Williams, FSL

**BOARD MEMBERS NOT PRESENT:**

None

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Erin Barrett, Director of Legislative and Regulatory Affairs  
Alesia Baskin, Senior Licensing Program Coordinator  
Christina Buisset, Health Practitioners' Monitoring Program Manager  
Sarah Georgen, Licensing and Operations Supervisor  
James Jenkins, RN, Agency Chief Deputy Director  
Melanie Pagano, Deputy Executive Director  
Matt Novak, Policy and Economic Analyst  
Amy Ressler, LCSW, Administrative Director, Virginia Commonwealth University Health Practitioners' Monitoring Program Leadership Team  
Brent Saunders, Senior Assistant Attorney General, Board Counsel  
Corie Tillman Wolf, Executive Director

**OTHER GUESTS PRESENT:**

Andrew Inge, Senior Inspector, DHP Enforcement  
Barry Robinson, Virginia Morticians' Association  
Bo Keeney, Association of Independent Funeral Homes of Virginia/Keeney Group

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

**CALL TO ORDER**

Mr. Graves called the meeting to order at 10:00 a.m. and asked the Board members and staff to introduce themselves.

With six 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 held on July 11, 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 Mr. Jenkins, DHP Chief Deputy Director, would provide the Agency Report in Mr. Owen's absence and requested that Mr. Jenkins provide his report before Public Comment due to time constraints.

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Williams, the Board voted to accept the agenda as amended. The motion carried (6-0).

### **AGENCY REPORT**

Mr. Jenkins stated that Board service requires dedication and time by the Board Members. He thanked the Board and DHP staff for their service and presence on the Board.

Mr. Jenkins highlighted the Virginia Health Workforce Development Authority (VHWDA) study to examine workforce issues across the Commonwealth. He stated that the VHWDA has reviewed labor force gaps and has provided recommendations on alternative pathways to licensure, as well as the practices of licensure approval timeliness.

Mr. Jenkins spoke about the 2023 General Assembly Session and stated that DHP was preparing for the next session, focusing on the budget for the Fiscal Year 2024 to 2026 biennial years.

With no questions, Mr. Jenkins concluded his report.

### **PUBLIC COMMENT**

Mr. Robinson, Virginia Morticians' Association (VMA), thanked the Board for their service and wished participants a happy holiday season and stated that he was looking forward to working with the Board next year.

## STAFF REPORTS

### *Executive Director's Report – Corie E. Tillman Wolf, J.D., Executive Director*

#### *Board Updates*

Ms. Tillman Wolf reported that the Board had not received notification regarding board appointments but would notify the Board once information was received.

Ms. Tillman Wolf stated that Board staff has met recently with the inspectors in the Enforcement Division regarding the inspections process to address a number of interesting questions received recently by the Board. She noted information from the Board's previous meeting regarding the opportunity for Board staff to accompany inspectors to observe the inspections process, which provided an invaluable learning opportunity. She stated that, as the Board receives questions related to inspections that may necessitate further Board guidance, those issues will be brought to the Board.

Ms. Tillman Wolf stated that the Board had not received a letter to request the Natural Organic Reduction/Human Composting study. She said that research was initiated and will be available should the Board receive a request in 2024.

#### *International Conference Updates*

Ms. Tillman Wolf announced that The International Conference of Funeral Service Examining Boards (The Conference) will convene their 2024 Annual Meeting on February 28-29, 2024, in Myrtle Beach, South Carolina. She stated that Ms. Barton would attend as a member of The Conference's Board of Directors, and that one additional Board Member would be eligible to attend. She asked those interested in attending to contact her for more information.

Ms. Tillman Wolf also said that The Conference will offer virtual webinar opportunities throughout the coming year and encouraged Board Members to attend.

#### *Federal Updates*

Ms. Tillman Wolf stated that Ms. Barton attended the Federal Trade Commission (FTC) Funeral Rule Workshop on September 7, 2023, and that Ms. Barton would provide more information during her report later in the meeting.

#### *Edits to Appendix III*

Ms. Tillman Wolf noted minor edits needed to the Appendix III form available from the Board related to Itemized Statement of Funeral Goods and Services Selected. She noted a type to FTC disclosure on the first page under "III. Embalming" and clarification on Board language for the inspector on the third page under "Warranty" as it relates to the name of the funeral home. She noted that this document does not require a motion to update and that the revised document would be posted with an effective date of October 12, 2023.

*Data Point of Interest – Historical Licensee Counts*

Ms. Tillman Wolf stated that during an inquiry of information, she had examined data of licensee counts dating back to 1988 and shared the findings of this data with the Board.

	1988	1994	2004	2014	2023
Establishments	479	487	516	503	509
Crematories	0	0	67	104	136
Funeral Directors	330	233	129	51	44
Embalmers	27	11	6	4	4
Funeral Service Licensees (fka FSP)	1,117	1,279	1,396	1,495	1,557

She stated that statewide in 1988, there were 1,474 individual licensees and 479 establishment licensees. By comparison in 2023, there are 1,605 individual licensees and 509 establishment licensees, which represents an 8.9% and 6.3% increase, respectively. She also noted that this information indicates that registered crematories had doubled in Virginia between 2004 and 2023.

*Expenditure and Revenue Summary as of June 30, 2023*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2023.

*On the Horizon*

Ms. Tillman Wolf stated that the October DHP Board Member Training had been rescheduled. She said that she would keep the Board updated on any new training opportunities.

She also noted that updates to applications, forms, the website, and the probable cause review process were forthcoming.

Ms. Tillman Wolf shared, for informational purposes, that the Cemetery Board at the Virginia Department of Professional and Occupational Regulation was conducting a periodic review of its regulations.

*Notes and Reminders*

Ms. Tillman Wolf reminded Board Members of the required Conflicts of Interest Training due on October 27, 2023. She asked that Board Members provide any updates to their contact information or addresses, as needed.

*2024 Board Meetings*

Ms. Tillman Wolf announced the 2024 Board meeting schedule.

- January 12, 2024
- April 16, 2024

- July 16, 2024
- October 10, 2024

### ***Discipline Report***

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

- Q2 2021 – 12/12
- 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

Ms. Pagano reported that the Board had closed more cases than received in the first three quarters of 2023 resulting in a 219% clearance rate.

As of August 30, 2023, Ms. Pagano reported the following disciplinary statistics:

- 32 Patient Care Cases
  - 7 at Informal
  - 3 at Formal
  - 3 at Enforcement
  - 17 at Probable Cause
  - 2 at APD
- 54 Non-Patient Care Cases
  - 6 at Informal
  - 0 at Formal
  - 20 at Enforcement
  - 23 at Probable Cause
  - 5 at APD
- 18 at Compliance

Ms. Pagano also reported that as of the date of the board meeting, there were five pending formal hearings and five pending informal conferences.

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 that included the following information:

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
<b>Total (*not incl. supervisors)</b>	2,661	2,744	+83

*Laws, Rules, and Regulations (LRR) Exam Scores*

Ms. Georgen reported on the Q1-Q3 Laws, Rules, and Regulations (LRR) exam scores and provided the calendar year 2022 statistics.

*On the Horizon*

Ms. Georgen stated that Board staff was working toward the launch of a responsive correspondence bot for the Board. The bot would send acknowledgement letters for applications received by the Board, send a closure letter when a license has been issued and expire out pending applications that have no activity at the one-year mark. She stated that the anticipated target completion date was December 2023 for individual applications and February 2024 for facility applications.

*Website Updates*

Ms. Georgen stated that updates were made to the Crematory Registration application pertaining to formatting, conciseness, clarity, and links to relevant sites for the applicant. She also said that a checklist was added to the Application for Reinstatement as a Funeral Service Licensee for ease of use.

Ms. Georgen said that updates were made to the Board's Frequently Asked Questions related to Manager of Record questions.

*Incomplete Renewals – March 2023*

Ms. Georgen stated that fourteen licensees were audited due to incomplete renewal requirements. She reported that four licensees were issued advisory notices of the renewal requirements, seven licensees were found in compliance, and that three licensees were referred for disciplinary review.

*Continuing Education Provider Renewals – 2023*

Ms. Georgen reported on the Continuing Education Provider renewals due on July 1, 2023. She stated that all registrations found in compliance renewal requirements.

*Updates for Expense Reimbursement Vouchers*

Ms. Georgen provided information on the existing policy regarding compliance with the 30-day requirement to submit Expense Reimbursement Vouchers. She stated that all agencies were required to adhere to these regulations, and there would be no exceptions to this policy in the future.

With no questions, Ms. Georgen concluded her report.

**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) Fall Board Meeting which occurred on September 13, 2023, in Las Vegas, Nevada. She provided information on the Conference's candidate portal allowing applicants to create their own account to schedule examinations and request score report transfers to other jurisdictions. Ms. Barton shared that nationwide first-time test takers pass/fail rate and the nationwide retake pass/fail rate information. She provided an overview of Virginia pass/fail rate information with the Board.

Ms. Barton stated that she attended the Federal Trade Commission (FTC) Funeral Rule Workshop on September 7, 2023. She stated that there was a panel discussion about upcoming changes to the funeral rule pertaining to pricing disclosures, basic service fees, alkaline hydrolysis, and natural organic reduction. She stated that a recording of the workshop was available on the FTC website and that public comments on these changes were accepted until October 10, 2023.

Mr. Graves asked Ms. Barton for information on possible emerging trends in the future. Ms. Barton said that home burials were trending, and that more information would be provided by the Conference at a later date.

With no further questions, Ms. Barton concluded her report.

## **BREAK**

The Board took a break at 10:39 a.m. and returned at 10:46 a.m.

## **LEGISLATION AND REGULATORY ACTIONS**

*Report on Status of Regulations – Erin Barrett, Director of Legislative and Regulatory Affairs*

Ms. Barrett provided an update on pending regulatory actions.

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

## **BOARD DISCUSSION AND ACTIONS**

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

Ms. Barrett provided an overview of the initiation of a periodic review of the Board's Public Participation Guidelines.

Upon a **MOTION** by Ms. Barton, properly seconded by Ms. Mimms, the Board voted to initiate a periodic review of the Public Participation Guidelines in 18VAC65-11-10 et seq., as presented by Ms. Barrett. The motion passed unanimously (6-0).

*Delegation of Acceptance and Signature of Consent Orders for Surrender, Suspension, and Revocation to Executive Director*

Ms. Tillman Wolf provided an overview of the delegation of acceptance and signature of Consent Orders for surrender, suspension, and revocation to the Executive Director.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Williams, the Board voted to delegate the acceptance and signature of Consent Orders for surrender, suspension, and revocation to the Executive Director. The motion passed unanimously (6-0).

## **PRESENTATION**

*Health Practitioners' Monitoring Program – Christina Buisset, HPMP Manager, and Amy Ressler, LCSW, Administrative Director, VCU HPMP Leadership Team*

Ms. Buisset and Ms. Ressler provided a presentation to the Board on the Department of Health Professions Health Practitioners' Monitoring Program.



## NEXT MEETING

The next meeting date is January 12, 2024.

## ADJOURNMENT

Mr. Graves stated that the Board would convene formal hearings and asked all Board Members to participate, with the exception of Mr. Hanif.

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 11:36 a.m.



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Corie Tillman Wolf, J.D., Executive Director

January 16, 2024

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Date