

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF GENERAL BOARD MEETING**

**Tuesday, July 16, 2002
6606 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 Whitten
- MEMBERS PRESENT:** Bobby Gardner, Sr.
Robert "Bob" Oman
Jack Miller
Pratt P. Stelly
J. Michael Williams
Joseph Jenkins, Jr.
- MEMBERS ABSENT:** Charles M. Bristow, Jr.
Alane C. Mills, Citizen Member
- STAFF PRESENT:** Elizabeth Young, Executive Director
Vickie Hutson-McCloud, Administrative Staff Assistant
Tammie Hall, Senior Adjudication Analyst
- COUNSEL PRESENT:** Allyson Tysinger, Assistant Attorney General
- GUESTS:** Robert Nebiker, Director of DHP
Gail Jaspen, Chief Deputy Director
Mark Monson, Deputy Director of Administration, DHP
David Partridge, RSS, Inc.
Donna Riggs, FSL
- QUORUM:** With seven members of the Board present, a quorum was established.
- ORDERING OF AGENDA:** On a properly seconded motion by Mr. Miller, the Board approved the agenda.
- ACCEPTANCE OF MINUTES:** On a properly seconded motion by Mr. Whitten, the Board voted to approve the following minutes, Special

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Conference Committee on March 27, 2002, Special Conference Committee on April 24, 2002, Regulatory and By-Laws Committee Meeting on May 7, 2002, Formal Hearing of May 7, 2002, Legislative Meeting of June 3, 2002, Board Meeting of June 4, 2002 and Public Hearing on June 26, 2002.

PUBLIC COMMENT:

None.

NEW BUSINESS:

Consent Order for Justine F. Bradley, F.S.L.

Ms. Hall presented a Consent Order to the Board for Justine F. Bradley, F.S.L. On a properly seconded motion by Mr. Gardner, the Board voted to accept Ms. Bradley's Consent Order. Ms. Bradley was issued a reprimand and assessed a monetary penalty of Two Hundred Fifty Dollars (\$250.00) as a disciplinary action.

Review of Application with Prior Criminal Convictions:

Ms. Young provided the Board with the procedures for reviewing licensure applications with criminal history noted.

Procedure for manager of record and establishment disciplinary cases:

Ms. Young provided the Board with the current disciplinary case intake procedure when reviewing an allegation regarding a funeral establishment and a case file is only created on the manager of record. On a properly seconded motion by Ms. Stelly, the Board approved that the establishment license should be cited for a possible allegation along with the manager of record of the facility.

The International Conference of Funeral Service Examining Boards, Inc.:

Ms. Young provided the Board with a brief update regarding The International Conference of Funeral Service Examining Board, Inc.

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OLD BUSINESS:

By-Laws:

On a properly seconded motion by Mr. Miller, the Board accepted the amendments to its By-Laws.

LEGISLATIVE PROPOSAL Proposal Identifier Number -- FDE-1:

§54.1-2800. Definitions. As used in this chapter, unless the context requires a different meaning:

“At-need” means at the time of death or while death imminent, through final disposition as defined in ~32.1-249 of the Code of Virginia.

“Funeral service establishment” means any main establishment, branch or chapel which is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, practice of funeral services, or the act of embalming may be performed.

§54.1-2806. Refusal, suspension or revocation of license. The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period of indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

25. Having the denial, revocation, suspension, restriction, or any other disciplinary action of a license, certificate, or registration to practice in another state, the District of Columbia or a United States possession or territory.

On a properly seconded motion by Mr. Oman, the Board voted to adopt the above changes.

Proposal Identifier Number – FDE-2:

§54.1-2813. License for the practice of funeral services.

To be licensed for the practice of funeral services, a person shall (i) be at least eighteen years of age; (ii) not have been

convicted of a felony; (iii) hold a high school diploma or its equivalent; (iv) have completed ~~no less than eighteen a traineeship as prescribed in regulation; months as a resident trainee;~~ (v) have graduated from a school of mortuary science or funeral service approved by the Board; and (vi) have passed the examination for licensure.

§54.1-2817. Resident trainees.

~~The Board shall promulgate regulations to determine the requirements for traineeship and limitations of time each applicant may serve as a resident trainee.~~

~~Credit shall not be allowed for any period of resident traineeship that has been completed more than three years prior to application for license or more than five years prior to examination for license.~~

On a properly seconded motion by Mr. Whitten, the Board voted to adopt the above changes.

Proposal Identifier Number – FDE-3:

§54.1-2810. Licensure of funeral establishments.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within thirty days of its expiration. ~~Upon expiration of the license, the Board shall notify each licensee of the provisions of this section.~~

§54.1-2816. License renewal; failure to return renewal form.

At least sixty days prior to the expiration of a license, the Board shall mail to each person licensed to practice funeral service, embalming or funeral directing a printed form to be completed and returned to the Board together with the prescribed fee. The license of any person who does not return the completed form prior to the date of expiration shall automatically expire. ~~The Board shall immediately~~

~~notify the person of the expiration and the reinstate requirements. The Board shall may reinstate an expired license pursuant to regulations adopted by the Board, upon receipt, within thirty days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the thirty-day period shall be at the discretion of the Board.~~

On a properly seconded motion by Mr. Whitten, the Board voted to adopt the above changes.

Proposal Identifier Number – FDE-4:

§54.1-2408.1. Summary suspension of licenses, certificates or registrations; allegations to be in writing.

A. Any health regulatory board may suspend the license, certificate of registration of any person or facility holding a license, certificate or registration issued by it without a hearing simultaneously with the institution of proceedings for a hearing, if the relevant board finds that there is a substantial danger to the public health or safety which warrants this action. A board may meet by telephone conference call when summarily suspending a license, certificate or registration if a good faith effort to assemble a quorum of the board has failed and, in the judgment of a majority of the members of the board, the continued practice by the individual constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension.

On a properly seconded motion by Mr. Williams, the Board voted to approve the above change upon interpretation from board counsel. Further, the Board requested that Ms. Young seek the opinions from the Boards of Veterinary Medicine and Pharmacy regarding the legislative proposal.

On a properly seconded motion by Mr. Miller, the Board voted to adopt the above changes.

Proposal Identifier Number – FDE-5:

§54.1-2803. Specific powers and duties of the Board.

2. To regulate and inspect funeral service establishments and crematories. ~~their operation and license.~~

On a properly seconded motion by Mr. Williams, the Board voted to submit FDE-1, FDE-2, FDE-3, FDE-4 and FDE-5 together as one bill to the 2003 Session of the General Assembly.

LEGISLATIVE COMMITTEE:

At the June 4, 2002 Legislative Committee Meeting, the Regulatory and By-Laws Committee requested to meet with Mr. Nebiker to discuss his memorandum of May 30, 2002. Mr. Nebiker provided the Board with a copy of the Executive Order 25.

After a lengthy discussion with Mr. Nebiker, the Board voted to remove the 35-mile requirement from its proposed regulations and asked staff to draft amendments to regulations. The amendments must address disclosure to next of kin regarding locations of bodies, address funeral home procedures to prevent the spread of human waste from embalming, and address other preventive health and safety measures for funeral homes that have branch locations. The amendments will be presented to the Board at its September 10, 2002 meeting.

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

Ms. Young provided the Board with a report of the initial and renewal applications of waiver of full-time manager requirements.

Executive Director's Report:

Ms. Young advised that the Board currently has 81 open disciplinary cases. Ms. Young provided the Board with a Licensee Count Report, current Board Calendar, and current roster of committee assignments.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:01 p.m.

Paul C. Whitten, President

Elizabeth Young, Executive Director

Date

Date