
****Refer to Page 3 of the Agenda for Meeting Access Information****

Call to Order – R. Thomas Slusser, Jr., FSL, Board President

- Welcome and Introductions
 - Mission of the Board
-

Approval of Minutes (p. 5-31)

- Board Meeting – January 19, 2021
 - Formal Hearing – January 19, 2021
 - For informational purposes: Informal Conferences – March 2, 2021
-

Ordering and Approval of Agenda

Public Comment

The Board will receive public comment on agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

****For more information and instructions related to public comment, please refer to page 3 of the Agenda****

Agency Report – David E. Brown, DC, Director and Barbara Allison-Bryan, MD, Deputy Director

Presentations (p. 33)

- Public Safety Exposure to Decedent Blood (HB 661 (2020)) – **Karen Owens, Virginia Department of Health, Office of Emergency Medical Services**
-

Staff Reports (p. 35-58)

- Executive Director’s Report – **Corie E. Tillman Wolf, JD, Executive Director**
 - Discipline Report – **Kelley Palmatier, JD, Deputy Executive Director**
 - Licensing Report – **Sarah Georgen, Licensing and Operations Manager**
-

Board Counsel Report – Erin Barrett, Assistant Attorney General (Closed Session**)**

Committee and Board Member Reports

- Report from the Board of Health Professions – **Louis R. Jones, FSL**
 - Report from International Conference Annual Meeting – **Blair Nelsen, FSL, Mia Mimms, FSL, Muhammad Hanif**
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-

Legislative and Regulatory Report – Elaine Yeatts, Senior Policy Analyst (p. 60)

- Report on Status of Regulations
 - Report on 2021 General Assembly
-
-

Board Discussion and Action – Elaine Yeatts/Corie Tillman Wolf (p. 64)

- Adoption of Proposed Regulations Governing the Practice of Funeral Services to Replace Emergency Regulations for Licensure of Funeral Directors and Embalmers (18 VAC 65-20-10 et seq., 18 VAC 65-30-10 et seq., and 18 VAC 65-40-10 et seq.)
 - Adoption of Revisions to Inspection Forms for Funeral Establishments and Crematories to Conform to Recent Regulatory Changes; Incorporation of Internships – Guidance Documents 76-21.3.1 and 76-21.3.2
 - Consideration of Additional Guidance – Documentation of Express Permission for Embalming, 18VAC65-20-510; Test Cremations, 18VAC65-20-435
-
-

Next Meeting – July 13, 2021

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3707(F).

Virginia Board of Funeral Directors and Embalmers
Instructions for Accessing April 6, 2021 Virtual Quarterly Board
Meeting and Providing Public Comment

- **Access:** Perimeter Center building access for this meeting remains restricted to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- **Written Public Comment:** Written comments are **strongly preferred** due to the limits of the electronic meeting platform and should be received by email to Corie.Wolf@dhp.virginia.gov no later than 3:00 p.m. on April 02, 2021. The written comments will be made available to the Board members for review prior to the meeting.
- **Oral Public Comment:** Oral comments will be received during the full board meeting from persons who have submitted an email to Corie.Wolf@dhp.virginia.gov no later than 3:00 p.m. on April 02, 2021 indicating that they wish to offer oral comment. Comment may be offered by these individuals when their name is announced by the Board President. Comments will be restricted to 2 minutes each; the maximum allotted time for public comment will be 30 minutes.
- Public participation connections will be muted following the public comment period.
- Should the Board enter into a closed session, public participants will be blocked from seeing and hearing the discussion. When the Board re-enters into open session, public participation connections to see and hear the discussions will be restored.
- Please call from a location without background noise.
- Dial (804) 367-4479 to report an interruption during the broadcast.
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APPROVAL OF MINUTES

January 19, 2021

The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a full board meeting on Tuesday, January 19, 2021, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

BOARD MEMBERS PRESENT:

R. Thomas Slusser, Jr., FSL, President (On-site)
Kenneth Scott Hickey, M.D., Citizen Member, Vice-President (Virtual)
Jason Graves, FSL, Secretary-Treasurer (Virtual)
Muhammad Hanif, Citizen Member (Virtual)
Louis R. Jones, FSL (Virtual)
Mia F. Mimms, FSL, JD (Virtual)
Blair H. Nelsen, FSL (Virtual)
Joseph Frank Walton, FSL (Virtual)
Joseph Michael Williams, FSL (Virtual)

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, M.D., Deputy Director, DHP (Virtual)
Erin Barrett, Assistant Attorney General, Board Counsel (On-Site)
Sarah Georgen, Licensing and Operations Manager (On-Site)
Melody Morton, Inspections Manager, Enforcement, DHP (Virtual)
Kelley Palmatier, Deputy Executive Director (Virtual)
Corie Tillman Wolf, Executive Director (On-Site)
Heather Wright, Program Manager (Virtual)
Elaine Yeatts, Sr. Policy Analyst (Virtual)

OTHER GUESTS PRESENT (VIRTUAL)

Paul Harris, Regulatory Support Services, Inc.
Bruce Keeney, Association of Independent Funeral Homes of Virginia
Laura McHale, Association of Independent Funeral Homes of Virginia
Dalene Paull, International Conference of Funeral Service Examining Boards
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge
Barry Robinson, Virginia Mortician's Association
Lauren Thomas, The International Conference of Funeral Service Examining Boards
Emily Trent
Unknown Caller (804-3**-**34)

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Mr. Slusser called the meeting to order at 9:30 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, and with Executive Order 51 (2020) as issued and amended by the Governor due to the current state of emergency declared in the Commonwealth, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda and as necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Mr. Slusser provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Mr. Slusser provided reminders to the Board and public regarding WebEx functions. Ms. Tillman Wolf provided a reminder to Board member regarding the mute and unmute functions through WebEx. Mr. Slusser completed a roll call of the Board members and staff.

With nine board members present at the meeting, a quorum was established.

Mr. Slusser read the mission of the Board, which is also the mission of the Department of Health Professions.

APPROVAL OF MINTUES

Mr. Nelsen provided a comment on the Board meeting minutes; however, he withdrew his comment following clarification by Ms. Tillman Wolf.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Dr. Hickey, the Board voted to accept the October 6, 2020 to December 1, 2020 minutes in block, including a Board meeting and formal hearing on October 6, 2020 and an Exam Committee meeting on November 20, 2020. The motion carried (9-0).

ORDERING OF THE AGENDA

Upon a **MOTION** by Dr. Hickey, properly seconded by Mr. Graves, the Board voted to accept the agenda as written. The motion carried (9-0).

PUBLIC COMMENT

The Board did not receive any request to provide written or verbal public comment.

AGENCY REPORT

Dr. Allison-Bryan stated that Dr. Brown was attending a legislative meeting.

Dr. Allison-Bryan announced the start of the 2021 General Assembly and noted that it would likely be a 30-day session. She stated that Ms. Yeatts or Ms. Tillman Wolf would provide more information later in the agenda.

Dr. Allison-Bryan announced that the COVID-19 vaccine was now available and that the Board of Funeral Directors and Embalmers licensees were considered healthcare workers and were eligible for phase 1a vaccinations through the Virginia Department of Health (VDH). Dr. Allison-Bryan provided a brief overview of the vaccinations.

With no questions, Dr. Allison Bryan concluded her report.

PRESENTATIONS

Dr. Allison-Bryan provided a presentation on the Health Practitioner's Monitoring Program. Dr. Allison-Bryan answered questions from the Board members.

Ms. Morton provided a presentation on the inspection program for funeral establishments and crematories.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

COVID Data

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of October 6, 2020 as compared to January 15, 2021, as provided by the Virginia Department of Health (VDH).

COVID Response

Ms. Tillman Wolf provided information on the status of the Mass Fatality Taskforce, convened by the Office of the Chief Medical Examiner (OCME).

Ms. Tillman Wolf provided information on vaccines for funeral providers through VDH. She confirmed that VDH has defined that funeral providers are part of the phase 1a vaccination schedule and noted that the Board's website had been updated to include a link to additional information.

Ms. Tillman Wolf reported on the Board operations. She reported that staff continues to telework and that the DHP building was generally closed to the public, with the exception of a small number of in-person hearings.

Ms. Tillman Wolf thanked Mr. Jones and Mr. Nelsen for their assistance in reviewing a large number of disciplinary cases. She reported that the Board had two formal hearings scheduled for later in the afternoon.

Ms. Tillman Wolf provided an update on the licensing operations, including updates to applications and documents related to the issuance of funeral director and embalmer licenses to coincide with the Board's Emergency Regulations that became effective on January 5, 2021.

Ms. Tillman Wolf provided a brief update related to the Board's inspections and questions received by the Board that will be discussed later in the agenda.

Licenses for Funeral Directors and Embalmers

Ms. Tillman Wolf provided an overview of the updates made following the Emergency Regulations effective January 5, 2021, including an update to the applications, frequently asked questions, internship hours and reporting, and the Laws, Rules, and Regulations (LRR) examination.

Update – International Conference

Ms. Tillman Wolf provided an update on the International Conference of Funeral Service Examining Boards’ (International Conference) Virtual Annual Meeting scheduled for February 24 and 25, 2021. She said that registration fees would be complimentary for current Board members and staff.

Ms. Tillman Wolf also stated that the Model Practice Act had been updated by the International Conference and would be approved in February 2021. Ms. Palmatier participated on the Model Practice Act Advisory Committee.

Board Updates

Ms. Tillman Wolf stated that a News Brief was sent to licensees in November 2020 and contained COVID-19 related information and updates, including information from Virginia’s Veterans Cemeteries and updates from the Office of the Chief Medical Examiner (OCME). The News Brief contained a reminder about aiding and abetting unlicensed practice and an overview of the most common inspection deficiencies identified in 2019.

She also stated that the annual license renewals were forthcoming and scheduled to be sent to licensees in early February.

Expenditure and Revenue Summary as of November 30, 2020

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of November 30, 2020.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$41,535
<u>Less FY21 Direct & In-Direct Expenditures</u>	<u>\$279,651</u>
Cash Balance as of November 30, 2020	\$519,107

Reminders

Ms. Tillman Wolf provided reminders to the Board in regards to questions or communications to Board Members, Board Member travel, training presentation requests, and changes in contact information. She thanked the Board for their patience with virtual meetings and scheduling meeting requests.

2021 Board Meeting Dates

Ms. Tillman Wolf announced the remaining upcoming 2021 Board meeting dates.

- April 6, 2021
- July 13, 2021
- October 12, 2021

With no questions, Ms. Tillman Wolf concluded her report.

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of December 31, Ms. Palmatier reported the following disciplinary statistics:

- 40 Patient Care Cases
 - 3 at Informal
 - 1 at Formal
 - 14 at Enforcement
 - 22 at Probable Cause
- 14 Non Patient Care Cases
 - 3 at Informal
 - 0 at Formal
 - 3 at Enforcement
 - 8 at Probable Cause
- 14 at Compliance

Ms. Palmatier stated that the Clearance Rate was 100% (Goal is 100%) – 7 cases received, 7 cases closed. Ms. Palmatier stated that the caseload over 250 days was 17% (Goal under 20%) with 6 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 0%. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 86% with 6 cases closed. She reported cases closed within 415 days is 100% with 7 cases closed.

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

- | | |
|-------------------|-------------------|
| • Q2 2018 – 8/7 | • Q4 2019 – 10/16 |
| • Q3 2018 – 12/18 | • Q1 2020 – 20/20 |
| • Q4 2018 – 13/24 | • Q2 2020 – 35/21 |
| • Q1 2019 – 26/13 | • Q3 2020 – 17/30 |
| • Q2 2019 – 23/6 | • Q4 2020 – 16/13 |
| • Q3 2019 – 18/25 | • Q1 2021 – 15/18 |

Percentage of all cases closed in 365 days

	Q4-19	Q1-20	Q2-20	Q3-20	Q4-20	Q1-21
FDE	73.3%	80.5%	90.3%	68.1%	88.9%	75.8%
Agency	82.3%	80.6%	72.9%	74.3%	75.8%	70.1%

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Ms. Georgen presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	January 14, 2021	October 6, 2020	Difference (+/-)
Funeral Service Licensees	1,547	1,530	24
Funeral Director	33	33	0
Embalmer Only	2	2	0
Supervisors	609	603	12
Interns	228	212	19
Establishments	419	413	2
Branch Establishments	85	86	0
Crematories	118	116	4
CE Providers	9	9	0
Courtesy Card Holders	112	109	4
Surface Transport & Removal Svc.	56	52	4
Total (*not incl. supervisors)	2,609	2,562	57

Customer Satisfaction

Ms. Georgen reported on the customer satisfaction statistics to include:

- Q1 20 – N/A
- Q2 20 – 85.7%
- Q3 20 – N/A
- Q4 20 – 83.3%
- Q1 21 – 100%

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett provided a reminder to Board members regarding the process if they receive any legal documents.

BREAK

The Board took a break at 10:51 a.m. and returned at 11:02 a.m.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the Board of Health Professions – Louis R. Jones, FSL

Mr. Jones reported on the Board of Health Professions (BHP) regarding the change of officers. He reported an upcoming BHP meeting on January 21, 2021.

Ms. Tillman Wolf stated that the BHP minutes were not included in the agenda packet because a BHP meeting had not occurred since the last Board meeting.

Ms. Yeatts clarified further on Mr. Jones' report that the BHP will consider an update to the Sanction Reference Points (SRP) system related to the Board of Nursing and Licensed Massage Therapists at their next meeting.

With no questions, Mr. Jones concluded his report.

Examination Committee – Mia Mimms, FSL

Ms. Mimms stated that the Committee met on November 20, 2020 to review exam questions to ensure they continued to be relevant to the Board's Regulations.

With no questions, Ms. Mimms concluded her report.

The International Conference of Funeral Service Examining Boards – Blair Nelsen, FSL

Mr. Nelsen reported on testing through PearsonVue with necessary accommodations due to the COVID-19 pandemic. He also reported on the virtual annual meeting. Mr. Nelsen also reported on a change to the Board member training offered by the Conference and stated that virtual Board member training would be offered at a later date.

With no questions, Mr. Nelsen concluded his report.

LEGISLATION AND REGULATORY ACTIONS

Legislation/Regulatory Updates

Ms. Yeatts provided an update on the regulatory actions in process.

Ms. Yeatts stated that the emergency regulations pursuant to legislation that was passed at the General Assembly 2020 session, which required the Board to have regulations in effect within 280 days of enactment, became effective on January 5, 2021. She stated that the comment period for these regulations will be available from February 1, 2021 to March 3, 2021 (30-day comment period). She reminded the Board that the emergency regulations stay in effect for 18 months from the effective date, then must be replaced with permanent regulations.

She reported that the Regulations of the Virginia Board of Funeral Directors and Embalmers (Chapter 20) and the Regulations for Preneed Funeral Planning (Chapter 30) are in the final stage of the Periodic Review and are scheduled to be effective March 3, 2021.

She reported that the proposed Regulations for the Funeral Service Internship Program (Chapter 40) were at the Governor's office for approval.

Ms. Yeatts reviewed the legislation pending from the 2021 General Assembly, including bills that may affect the Board of Funeral Directors and Embalmers or other Department of Health Professions Boards.

With no questions, Ms. Yeatts concluded her report.

BOARD DISCUSSIONS AND ACTIONS

Consideration of Revisions to Guidance Document 65-11, Inspection Guidance Document

Ms. Tillman Wolf reviewed the proposed changes to Guidance Document 65-11, Inspection Guidance Document.

Mr. Nelsen requested clarification on whether the proposed guidance related to a preparation room located in a separate building would apply to facilities with refrigerated storage located in a separate building. Ms. Tillman Wolf stated that the analysis likely would be the same regarding the location and care and handling in transporting decedents between buildings.

Upon a **MOTION** by Mr. Walton, properly seconded by Dr. Hickey, the Board voted to adopt the revisions to Guidance Document 65-11, Inspections Guidance Document as presented. The motion carried (9-0). (Attachment A)

Review of Guidance Document 65-3 for Readoption, Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement

Ms. Tillman Wolf reviewed Guidance Document 65-3 for readoption, Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement.

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Graves, the Board voted to readopt Guidance Document 65-3, Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement as presented. The motion carried (9-0).

Consideration of Additional Guidance – Licensure of Funeral Directors and Embalmers – Educational Requirements, Board-Approved Programs, and Intern Reporting

Ms. Tillman Wolf reviewed a draft guidance document specific to the licensure of Funeral Directors and the requirements for education and pathology coursework.

Ms. Yeatts provided additional input regarding the proposed language for clarification to the Board.

The Board discussed proposed language as presented by Ms. Tillman Wolf and Ms. Yeatts. Mr. Walton suggested amending the language pertaining to coursework in pathology which may be completed through a regionally accredited program or ABSFE mortuary science/funeral service program.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Ms. Mimms, the Board voted to adopt the language as presented and amended as a guidance document. The motion carried (9-0). (Attachment B)

Ms. Tillman Wolf provided an overview of the updated internship program applications and reporting for Funeral Directing and Embalming Interns. She requested input on the Areas of Knowledge and Training on the updated forms.

Mr. Walton suggested a change to the Funeral Directing Internship Areas of Knowledge to revise “Process for Organ/Tissue Donation” and “Process for Anatomical Donation” to “Process for Facilitating Organ/Tissue Donation” and “Process for Facilitating Anatomical Donation.”

Additionally, Mr. Walton suggested the addition of the “Storage, Handling, and Refrigeration of Remains” to the Areas of Knowledge and Training under the “Care and Preparation of Body.”

Ms. Tillman Wolf stated that these changes to the internship program reporting forms will be made and updated on the Board’s website.

NEXT MEETING

The next meeting date is April 6, 2021.

CONTINUING EDUCATION CREDIT

Mr. Slusser provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 65-20-151. He announced that continuing education would be awarded to those that provided their first name, last name, license number, and the meeting code by email to fanbd@dhp.virginia.gov by January 26, 2021.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:14 p.m.

An audio recording of this meeting can be accessed at:
https://www.dhp.virginia.gov/funeral/fun_calendar.htm

R. Thomas Slusser, FSL, Board President

Corie Tillman Wolf, J.D., Executive Director

Date

Date

Board of Funeral Directors and Embalmers

GUIDANCE FOR INSPECTORS AND LICENSEES

If a funeral home or crematory transports a body from the hospital or place of death, does the body have to be in a cremation container?

The intent of the regulation is that upon arrival at the funeral home the decedent shall be placed in a cremation container for transfer to the crematory. 18VAC65-20-436(C).

Is the DEQ permit number of the retort required on every form in the deceased's cremation record?

No, it is only required to be listed on one form in the decedent's cremation record. 18VAC65-20-436(D).

Can a crematory that operates within a funeral establishment have a separate manager of record or can the establishment's manager serve as the manager of record for both?

Yes, a manager of record of the funeral establishment can also serve as manager of record of the crematory or they can have two separate managers. However if the manager of record of the crematory is not a licensee, the establishment's manager of record is ultimately responsible for both the establishment and the crematory. 18VAC65-20-435.

If a crematory is not a funeral establishment or a branch of a funeral establishment, can they sell preneed?

No, they must be licensed as a funeral establishment or a branch of a funeral establishment. Va. Code § 54.1-2805.

Do the regulations still require a contract number on a preneed contract?

No, however the funeral home must be able to show verification of the funding and payment. Va. Code § 54.1-2820.

What duties can unlicensed staff perform in the preparation of the body?

An unlicensed person may assist with cosmetizing, dressing and casketing the deceased. An unlicensed individual may wash or use soap and water to cleanse or prepare a dead human body for disposition by the authorized agents, family, or friends of the deceased who do so privately without pay or as part of the ritual washing and preparation of dead human bodies prescribed by religious practices.

When a funeral home takes arrangement instructions from another funeral home on an at-need contract, whose signature should be on the buyer's signature line?

It is not mandated by regulations but is suggested to have the calling funeral home's name and the name of the funeral director who is giving instruction on the buyer's signature line.

Can a funeral home keep a log or spreadsheet versus an individual embalming record?

No, 18VAC65-20-510 clearly requires that every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following: the deceased's name and date of death, the date

and location of the embalming, the name and signature of the embalmer and the license number of the embalmer and if the embalming was performed by a funeral service intern and if so the signature of the supervisor, location of embalming, date of death, date of embalming.

If a funeral home lists the full price of a package on the Statement of Goods and Services must it also identify on the contract the specific items that are included in the package?

Yes, the funeral home may either list the items individually on the Statement of Goods and Services or place an asterisk around each item included in the package on the contract. The intent is that the reader can understand which items are included in the package. (Appendix III)

Is it acceptable to the board for a license to be posted in a private business office?

No, a public lounge or an arrangement room is acceptable. 18VAC65-20-50 states that each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.

Additionally, if the funeral establishment uses contract embalmers only on rare occasions, a funeral home does not have to post that embalmer's license as long as the funeral home keeps it on file (Board approved 12/06).

Can enamel based paint be used as a material impervious to water?

Enamel based paint is considered impervious to water and is an acceptable material for the floor and wall surfaces.

May a drainage tube be connected to the embalming table and run straight into the sewer?

Yes, the regulations states that the preparation room shall be equipped with a flush or slop sink connected with public sewer or with septic tank where no public sewer is available. 18VAC65-20-580.

Can the disinfectants and antiseptic solutions be stored on the floor in the preparation room in properly labeled containers?

Yes, both disinfectants and antiseptic solutions may be stored on the floor of the prep room in properly labeled containers. Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination. 18VAC65-20-570.

What type of evidence does the board want regarding disposal of waste materials?

Disposal of all waste materials shall be in conformity with local, state, and federal law and regulation to avoid the possible spread of disease. The funeral service establishment shall provide evidence of a current contractual agreement with or services provided by a licensed medical waste disposal company. Evidence may include a letter of agreement, a contract or a recent billing for the service. 18VAC65-20-590.

Will the board accept electronic copies of requested documents that are no longer current?

Yes, the Board will accept electronic copies of forms that are no longer current.

Can the main funeral service establishment maintain all records, including those for branch establishments?

Yes, with the exception of embalming reports, which must be maintained at the site of the embalming pursuant to 18VAC65-20-700(A).

If the funeral home charges the same price for embalming of normal remains and autopsy remains, is it only necessary to list the charge once on the general price list?

Yes. (See Appendix 1 – General Price list)

Can you provide guidance on the price range for the following categories?

Immediate Burial: Your prices should range from the price for immediate burial with container provided by purchaser to the price for immediate burial plus your most expensive casket.

Direct Cremation: A price range must be given for a direct cremation. Your prices should range from the price of direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for cremation or the most expensive cremation casket, whichever is higher. When in doubt, please refer to Appendix 1 for reference or call the board office.

Funeral Merchandise: The casket and outer burial container price ranges shall match the prices on the Casket and Outer Burial Container Price Lists. The price does not include tax on the merchandise.

Is manufacturer information required for casket and outer burial container price lists?

Yes. Although the FTC does not require the manufacturers' names on the price lists, the Board does require this as means to identify the caskets and outer burial containers. 18VAC65-20-630; Appendix I and II.

Must the preneed list be separate from the insurance company's list and can a blanket statement be used indicating if 10% of the funds are retained?

The list may have a blanket statement indicating whether 10% of the funds are retained and if funeral merchandise is stored on the premises. 18VAC65-30-70. The preneed list must be separate from the insurance company's list and contain the required information stipulated by 18VAC65-30-70.

When do you add a name to the preneed list and when should you remove a name from the chronological list?

The proper time to add a name to the preneed list is when the funeral director and the buyer sign the pre-need contract. The time to remove a name from the list is after the death of the contract beneficiary.

What is a proper ventilation system?

The preparation room must have a ventilation system, which operates and is appropriate to the size and function of the room, and takes the air from the inside to the outside of the room. Holding a piece of paper near the vent usually will provide an adequate test for an operable ventilation system. *See, e.g.,* 18VAC65-20-580(1).

The language in Virginia Code § 54.1-2811.1 (B) is somewhat vague in the actual refrigeration requirement. The language reads “no more than approximately 40 degrees.” What temperature will be within acceptable limits?

The Board agreed to accept a 10% variance of the required temperature.

What constitutes evidence of placing and maintaining a body in refrigeration?

Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration. 18VAC65-20-581(C).

Can the preparation room for a funeral establishment be located in a separate building on the premises, or must the preparation room be contained within the main structure of the funeral establishment?

The Board’s statutes and regulations do not specify that the preparation room be contained within the main establishment building, as long as it is part of the property licensed as the main or branch establishment and is encompassed by the certificate of occupancy issued by the local building official. A preparation room located at a separate premises or property with a separate or different address should be licensed as a separate funeral services establishment. The facility should ensure the appropriate care and handling of decedents who may be transported between separate buildings on the premises of the funeral establishment. See Va. Code §§ 54.1-2800, 54.1-2811, 54.1-2811.1.

Can a crematory open a second retort in a second building under the crematory’s singular registration?

According to the *Code of Virginia*, a “crematory” or “crematorium” means “a facility containing a furnace for cremation of dead human bodies.” If the second retort is located on a separate property with a separate address, the retort in the second building should be registered separately as a crematory. A crematory that does not provide funeral services directly to the public is not required to obtain a separate license as a funeral establishment. Va. Code §§ 54.1-2800, 54.1-2814.1.

If embalming is included as a charge in a preneed contract, is this considered express permission to embalm at-need?

A dead human body shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order. Va. Code §§ 54.1- 2806(26), 54.1-2811.1 (B). Express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. 18VAC65-20-510.

The contract buyer or purchaser of a preneed contract may be the person who passes, not their next of kin, and the wording of the express permission language references permission given at-need rather than preneed (next of kin *of the deceased*). Accordingly, unless there is additional documentation indicating express permission to embalm, the inclusion of an embalming charge in a preneed contract alone would not constitute express permission.

Board of Funeral Directors and Embalmers

Guidance on Educational and Pathology Coursework Requirements for Funeral Director License Applicants

1. Educational Requirements – Funeral Director

For licensure as a Funeral Director in Virginia, the Board's Emergency Regulations, 18VAC65-20-231(A) (effective January 5, 2021) require the following:

A. To qualify for licensure as a funeral director, a person shall:

3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated, or have completed an Associate's Degree or its equivalent, which consists of at least 60 credit hours of coursework, from a funeral directing program approved by the board;

In determining whether an applicant meets the educational requirements, the Board provides the following guidance:

- An applicant is required to complete at a minimum an Associate's Degree or its equivalent, which consists of at least 60 credit hours of coursework.
- As part of or in addition to the minimum Associate's Degree or 60 hours of coursework required, an applicant is required to complete a Board-approved program in funeral directing (at least 30 credit hours of the 60+ total hours).
- Funeral directing coursework should be completed through a school of mortuary science or funeral service that is accredited by the American Board of Funeral Service Education, Incorporated (ABFSE) for its mortuary science/funeral service program.

2. Funeral Directing – Course in Pathology

For licensure as a Funeral Director in Virginia, the Board's Emergency Regulations, 18VAC65-20-231(A) (effective January 5, 2021) require the following:

A. To qualify for licensure as a funeral director, a person shall:

4. Have successfully completed coursework in the area of pathology as approved by the board;

In determining whether an applicant meets the pathology coursework requirement, the Board provides the following guidance:

- An applicant may provide evidence of successful completion of a course offered by an accredited college or university, whether as part of a curriculum in funeral service, mortuary science, or funeral directing, or as a stand-alone course;
- An applicant may provide evidence of successful completion of a course in pathology that is approved by the Board for licensure as a funeral director; or
- An applicant may provide evidence of passage of a state exam in pathology required as part of the individual's initial licensure as a funeral director in another jurisdiction.

Unapproved
VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING - VIRTUAL
MINUTES

January 19, 2021

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER: The formal hearing of the Board was called to order at 1:35 p.m.

MEMBERS PRESENT: R. Thomas Slusser, Jr. FSL, President (In-Person)
Kenneth "Scott" Hickey, M.D., Citizen Member (Virtual)
Mia Mimms, FSL Member (Virtual)
Joseph Frank Walton, FSL Member (Virtual)
Jason Graves, FSL Member (Virtual)
Joseph Michael Williams, FSL Member (Virtual)
Muhammad Hanif, Citizen Member (Virtual)

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General (In-Person)

DHP STAFF PRESENT: Kelley Palmatier, Deputy Director (In-Person)
Sarah Georgen, Licensing and Operations Manager (Virtual)

COURT REPORTER: Cheryl Maddox Reporting (Virtual)

PARTIES ON BEHALF OF COMMONWEALTH: Claire Foley, Adjudication Specialist (Virtual)

COMMONWEALTH'S WITNESS: Jennifer Challis, Senior Investigator, DHP (Virtual)

OTHERS PRESENT: Dalene Paull (Virtual)
Krista Samuels (Virtual)
Lauren Thomas (Virtual)
Melody Morton (Virtual)
Ali Amirshahi, Esq. (Virtual)
Angela Pearson (In-person)

MATTER:

Ashley Dawn Safewright
Funeral Service Licensee
License Number: 0502-901492
Case No.: 194098

**ESTABLISHMENT OF A
QUORUM:**

With seven (7) members present, a quorum was established.

DISCUSSION:

Ashley Dawn Safewright appeared before the Board virtually in accordance with a Notice of Formal Hearing dated October 28, 2020. Ms. Safewright was represented by legal counsel virtually, Ali Amirshahi.

The Board received evidence and sworn testimony on behalf of the Commonwealth and Ms. Safewright regarding the allegations in the Notice.

**CLOSED SESSION FOR
MEDICAL RECORDS:**

Upon a motion by Dr. Scott Hickey, and duly seconded by Mia Mimms, the Board voted to convene a closed meeting, pursuant to §2.2-2711 (A) (16) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Ashley Dawn Safewright, FSL, that are excluded from the Freedom of Information Act by Virginia Code section 2.2-3705 (A) (5). Additionally, she moved that Ms. Barrett, Ms. Palmatier, Ms. Georgen, Claire Foley, Jennifer Challis, Ashley Safewright and the Court Reporter attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its considerations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, upon motion by Dr. Scott Hickey, the Board reconvened in open session and announced its decision.

CLOSED SESSION:

Upon a motion by Dr. Scott Hickey, and duly seconded by Jason Graves, the Board voted to

convene a closed meeting, pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ashley Dawn Safewright. Additionally, he moved that Ms. Barrett, Ms. Palmatier, and Ms. Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, upon motion by Jason Graves, the Board reconvened in open session and announced its decision.

DECISION:

Upon a motion by Jason Graves and duly seconded by Joseph Michael Williams, the Board moved to indefinitely suspend Ashley Safewright's license. The suspension is stayed upon proof of entry into Virginia Health Practitioners' Monitoring Program. The motion carried.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 3:45 p.m.

R. Thomas Slusser, Jr, FSL, Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date

A recording of this meeting can be accessed at:

https://www.dhp.virginia.gov/funeral/fun_calendar.htm

Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING - VIRTUAL
MINUTES**

January 19, 2021

**Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233**

CALL TO ORDER: The formal hearing of the Board was called to order at 3:59 p.m.

MEMBERS PRESENT: R. Thomas Slusser, Jr., FSL, President (In-Person)
Kenneth "Scott" Hickey, M.D., Citizen Member (Virtual)
Mia Mimms, FSL Member (Virtual)
Joseph Frank Walton, FSL Member (Virtual)
Jason Graves, FSL Member (Virtual)
Joseph Michael Williams, FSL Member (Virtual)
Muhammad Hanif, Citizen Member (Virtual)

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General (In-Person)

DHP STAFF PRESENT: Kelley Palmatier, Deputy Director (In-Person)
Sarah Georgen, Licensing and Operations Manager (Virtual)

COURT REPORTER: Cheryl Maddox Reporting

PARTIES ON BEHALF OF COMMONWEALTH: Claire Foley, Adjudication Specialist (Virtual)

COMMONWEALTH'S WITNESS: Wendy Ashworth, Senior Inspector, DHP (Virtual)

RESPONDENT'S WITNESS: Paulette Strawbridge, FSL (Virtual)

OTHERS PRESENT: Dalene Paull (Virtual)
Krista Samuels (Virtual)
Lauren Thomas (Virtual)
Melody Morton (Virtual)

Jess Kelley (Virtual)
Rebecca Ribley (Virtual)
Angela Pearson (In-person)

MATTER: **Steele-Bullock Funeral Home
Funeral Establishment
License Number: 0501-000638
Case No.: 204082**

**ESTABLISHMENT OF A
QUORUM:** With seven (7) members present, a quorum was
established.

DISCUSSION: Keith Bullock, FSL, MOR, appeared before the Board
virtually representing Steele-Bullock Funeral Home in
accordance with a Notice of Formal Hearing dated
December 15, 2020. Mr. Bullock and Steele-Bullock
Funeral Home were not represented by legal counsel.

The Board received evidence and sworn testimony on
behalf of the Commonwealth and Mr. Bullock
regarding the allegations in the Notice.

CLOSED SESSION: Upon a motion by Dr. Scott Hickey, and duly
seconded by Joseph Michael Williams, the Board
voted to convene a closed meeting, pursuant to §2.2-
3711.A (27) of the Code of Virginia, for the purpose of
deliberation to reach a decision in the matter of Steele-
Bullock Funeral Home. Additionally, he moved that
Ms. Barrett, Ms. Palmatier, and Ms. Georgen attend
the closed meeting because their presence in the
closed meeting was deemed necessary and would aid
the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the
preceding closed session met the requirements of
§2.2-3712 of the Code, upon motion by Dr. Scott
Hickey, the Board reconvened in open session and
announced its decision.

DECISION: Upon a motion by Dr. Scott Hickey and duly
seconded by Jason Graves, the Board moved that
Steele-Bullock Funeral Home be placed on indefinite

probation, imposed a monetary penalty, and that DHP will conduct two unannounced inspections. The motion carried.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 5:23 p.m.

R. Thomas Slusser, Jr, FSL, Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date

A recording of this meeting can be accessed at:

https://www.dhp.virginia.gov/funeral/fun_calendar.htm

Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

March 2, 2021

**Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233**

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 11:00 a.m.

MEMBERS PRESENT: Louis Jones, FSL, Chair
Blair Nelsen, FSL

DHP STAFF PRESENT: Kelley Palmatier, Deputy Director
Angela Pearson, Senior Discipline Manager
Claire Foley, Administrative Proceedings Division

OTHERS PRESENT: Shawn Baker
Molly Newton

MATTER: Tyra La’Nise Baker, FSL
License No.: 0502-901586
Case Number: 205638

DISCUSSION: Ms. Baker appeared before the Committee in accordance with the Board’s Notice of Informal Conference dated October 28, 2020 and was represented by counsel, Michael L. Daniels, Esquire.

The Committee fully discussed the allegations as referenced in the October 28, 2020 Notice of Informal Conference with Ms. Baker.

CLOSED SESSION: Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Tyra La’Nise Baker, FSL. Additionally, he moved that Ms. Palmatier and Ms. Pearson attend the closed meeting because their

presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session.

DECISION:

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to refer this matter to a Formal Administrative Hearing. The motion carried.

ADJOURNMENT:

The Committee adjourned at 12:03 p.m.

Louis Jones, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

March 2, 2021

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 1:50 p.m.

MEMBERS PRESENT:

Louis Jones, FSL, Chair
Blair Nelsen, FSL

DHP STAFF PRESENT:

Kelley Palmatier, Deputy Director
Angela Pearson, Senior Discipline Manager
Grace Stewart, Administrative Proceedings Division

MATTER:

J.K. Redmond Funeral Home
License No.: 0501-000504
Case Number: 196971

DISCUSSION:

Kimberly Redmond-Cosby did not appear before the Committee in accordance with the Board's Notice of Informal Conference dated December 15, 2020 and she was is not represented by counsel. There was not another representative present from J.K. Redmond Funeral Home.

The Committee Chair concluded that adequate notice was provided to J.K.Redmond Funeral Home and the informal conference proceeded in their absence.

The Committee fully discussed the allegations as referenced in the December 15, 2020, Notice of Informal Conference.

CLOSED SESSION:

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of J.K. Redmond Funeral

Home. Additionally, he moved that Ms. Palmatier and Ms. Pearson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session.

DECISION:

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to refer this matter to a Formal Administrative Hearing. The motion carried.

ADJOURNMENT:

The Committee adjourned at 2:07 p.m.

Louis Jones, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
SPECIAL CONFERENCE COMMITTEE MINUTES**

March 2, 2021

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER:

A Special Conference Committee of the Board was called to order at 2:08 p.m.

MEMBERS PRESENT:

Louis Jones, FSL, Chair
Blair Nelsen, FSL

DHP STAFF PRESENT:

Kelley Palmatier, Deputy Director
Angela Pearson, Senior Discipline Manager
Grace Stewart, Administrative Proceedings Division

MATTER:

Kimberly Redmond-Cosby
License No.: 0502-900388
Case Number: 196967

DISCUSSION:

Kimberly Redmond-Cosby did not appear before the Committee in accordance with the Board's Notice of Informal Conference dated December 15, 2020 and she was is not represented by counsel.

The Committee Chair concluded that adequate notice was provided to Ms. Redmond Cosby and the informal conference proceeded in her absence.

The Committee fully discussed the allegations as referenced in the December 15, 2020, Notice of Informal Conference.

CLOSED SESSION:

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Kimberly Redmond-Cosby. Additionally, he moved that Ms. Palmatier and Ms. Pearson attend the closed meeting because their

presence in the closed meeting was deemed necessary and would aid the Committee in its discussions.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session.

DECISION:

Upon a motion by Blair Nelsen and duly seconded by Louis Jones, the Committee voted to refer this matter to a Formal Administrative Hearing. The motion carried.

ADJOURNMENT:

The Committee adjourned at 2:10 p.m.

Louis Jones, FSL Chair

Corie Tillman Wolf, JD, Executive Director

Date

Date



PRESENTATIONS

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 362

An Act to direct the Secretaries of Health and Human Resources and Public Safety to establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving law-enforcement officers, firefighters, and emergency medical services providers.

[H 661]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Secretaries of Health and Human Resources and Public Safety and Homeland Security (the Secretaries) shall establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. The work group shall include (i) the Superintendent of State Police, the Commissioner of Health, the Executive Director of the Department of Fire Programs, and the Director of the Department of General Services, or their designees; (ii) representatives of local law-enforcement agencies, fire departments and companies, and emergency medical services agencies; (iii) representatives of organizations representing law-enforcement officers, salaried and volunteer firefighters, and salaried and volunteer emergency medical services providers; and (iv) such other stakeholders as the Secretaries shall deem appropriate.*

In conducting its work, the work group shall:

1. Develop a plan for the establishment of an entity to assist with the management of exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. Such assistance shall include assistance with (i) the process of confirming whether a volunteer or employee has been involved in an exposure-prone incident and, as a result of such exposure-prone incident, has been exposed to the body fluids of another person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses; (ii) coordinating the process by which specimens of a person's body fluids are collected and tested to determine whether the person was infected with human immunodeficiency virus or hepatitis B or C viruses; and (iii) coordinating the care and treatment of a volunteer or employee for whom post-exposure prophylactic treatment or other treatment is required. Such entity shall also be charged with (a) providing training and education to designated infection control officers and others on topics related to preventing exposure-prone incidents, identifying and responding to exposure-prone incidents, and treatment and follow-up care for volunteers and employees involved in exposure-prone incidents and (b) collecting data from law-enforcement agencies, fire departments and companies, emergency medical services agencies, and others regarding the number of requests for assistance in determining whether an exposure-prone incident has occurred, the number of confirmed exposure-prone incidents, the number of cases involving an exposure-prone incident in which a specimen was collected and tested and whether the person from whom such specimen was collected was deceased or living, the number of cases in which post-exposure prophylaxis was required, and, in cases in which post-exposure prophylaxis was required, the duration and cost of such treatment. In developing the plan, the work group shall evaluate and provide recommendations related to the appropriate state agency or body to operate or provide oversight of the entity, the structure and organization of the entity, the specific powers and duties of the entity, and the cost to establish the entity. The work group shall also provide specific recommendations for legislative, regulatory, or budgetary actions necessary to establish the entity; and

2. Study and develop recommendations related to developing the ability to perform postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses through the Division of Consolidated Laboratory Services. Such study shall include analysis of (i) the steps necessary to implement postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration, (ii) the potential cost to the Commonwealth of developing the ability to perform postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration through the Division of Consolidated Laboratory Services, and (iii) any potential savings to the Commonwealth resulting from implementing postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration through the Division of Consolidated Laboratory Services.

The work group shall report its findings, conclusions, and recommendations to the Governor and the

STAFF REPORTS

Virginia Department of Health Professions
Cash Balance
As of February 28, 2021

	104- Funeral Directors and Embalmers
Board Cash Balance as June 30, 2020	\$ 757,223
YTD FY21 Revenue	261,445
Less: YTD FY21 Direct and Allocated Expenditures	<u>426,245</u>
Board Cash Balance as Febraury 28, 2021	<u><u>\$ 592,423</u></u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending February 28, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	35,465.00	49,845.00	14,380.00	71.15%
4002406	License & Renewal Fee	211,650.00	612,290.00	400,640.00	34.57%
4002407	Dup. License Certificate Fee	285.00	360.00	75.00	79.17%
4002409	Board Endorsement - Out	1,200.00	3,850.00	2,650.00	31.17%
4002421	Monetary Penalty & Late Fees	45.00	10,025.00	9,980.00	0.45%
4002430	Board Changes Fee	5,300.00	7,695.00	2,395.00	68.88%
4002432	Misc. Fee (Bad Check Fee)	-	35.00	35.00	0.00%
	Total Fee Revenue	<u>253,945.00</u>	<u>684,100.00</u>	<u>430,155.00</u>	<u>37.12%</u>
4009000	Other Revenue				
4009060	Miscellaneous Revenue	7,500.00	3,300.00	(4,200.00)	227.27%
	Total Other Revenue	<u>7,500.00</u>	<u>3,300.00</u>	<u>(4,200.00)</u>	<u>227.27%</u>
	Total Revenue	<u>261,445.00</u>	<u>687,400.00</u>	<u>425,955.00</u>	<u>38.03%</u>
5011110	Employer Retirement Contrib.	9,700.91	13,888.00	4,187.09	69.85%
5011120	Fed Old-Age Ins- Sal St Emp	5,108.25	7,970.00	2,861.75	64.09%
5011140	Group Insurance	908.64	1,287.00	378.36	70.60%
5011150	Medical/Hospitalization Ins.	18,775.20	30,040.00	11,264.80	62.50%
5011160	Retiree Medical/Hospitalizatn	762.58	1,076.00	313.42	70.87%
5011170	Long term Disability Ins	414.68	586.00	171.32	70.76%
	Total Employee Benefits	<u>35,670.26</u>	<u>54,847.00</u>	<u>19,176.74</u>	<u>65.04%</u>
5011200	Salaries				
5011230	Salaries, Classified	67,906.16	96,048.00	28,141.84	70.70%
5011250	Salaries, Overtime	2,774.82	-	(2,774.82)	0.00%
	Total Salaries	<u>70,680.98</u>	<u>96,048.00</u>	<u>25,367.02</u>	<u>73.59%</u>
5011300	Special Payments				
5011310	Bonuses and Incentives	325.00	-	(325.00)	0.00%
5011340	Specified Per Diem Payment	1,200.00	-	(1,200.00)	0.00%
5011380	Deferred Compnstrn Match Pmts	459.00	864.00	405.00	53.13%
	Total Special Payments	<u>1,984.00</u>	<u>864.00</u>	<u>(1,120.00)</u>	<u>229.63%</u>
5011400	Wages				
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	<u>-</u>	<u>8,133.00</u>	<u>8,133.00</u>	<u>0.00%</u>
5011600	Terminatn Personal Svce Costs				
5011660	Defined Contribution Match - Hy	80.58	-	(80.58)	0.00%
	Total Terminatn Personal Svce Costs	<u>80.58</u>	<u>-</u>	<u>(80.58)</u>	<u>0.00%</u>
5011930	Turnover/Vacancy Benefits				
	Total Personal Services	<u>108,415.82</u>	<u>159,892.00</u>	<u>51,476.18</u>	<u>67.81%</u>
5012000	Contractual Svs				
5012100	Communication Services				
5012110	Express Services	-	200.00	200.00	0.00%
5012120	Outbound Freight Services	3.91	-	(3.91)	0.00%
5012140	Postal Services	828.14	3,500.00	2,671.86	23.66%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending February 28, 2021

Account		Amount			
Number	Account Description	Amount	Budget	Under/(Over)	% of Budget
5012150	Printing Services	2.14	1,500.00	1,497.86	0.14%
5012160	Telecommunications Svcs (VITA)	568.67	300.00	(268.67)	189.56%
5012190	Inbound Freight Services	0.78	-	(0.78)	0.00%
	Total Communication Services	1,403.64	5,500.00	4,096.36	25.52%
5012200	Employee Development Services				
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	-	1,945.00	1,945.00	0.00%
5012270	Emp Trning- Trns, Ldngng & Meals	-	3,250.00	3,250.00	0.00%
	Total Employee Development Services	250.00	6,995.00	6,745.00	3.57%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	173.90	9,520.00	9,346.10	1.83%
5012440	Management Services	97.01	120.00	22.99	80.84%
5012470	Legal Services	400.00	500.00	100.00	80.00%
	Total Mgmnt and Informational Svcs	670.91	10,140.00	9,469.09	6.62%
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	179.84	-	(179.84)	0.00%
5012530	Equipment Repair & Maint Srvc	777.59	640.00	(137.59)	121.50%
	Total Repair and Maintenance Svcs	957.43	640.00	(317.43)	149.60%
5012600	Support Services				
5012640	Food & Dietary Services	431.61	2,100.00	1,668.39	20.55%
5012660	Manual Labor Services	90.87	1,200.00	1,109.13	7.57%
5012670	Production Services	224.48	1,120.00	895.52	20.04%
5012680	Skilled Services	3,903.23	8,310.00	4,406.77	46.97%
	Total Support Services	4,650.19	12,730.00	8,079.81	36.53%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	374.96	6,200.00	5,825.04	6.05%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	96.45	1,600.00	1,503.55	6.03%
5012880	Trvl, Meal Reimb- Not Rprtbl	72.00	750.00	678.00	9.60%
	Total Transportation Services	543.41	9,250.00	8,706.59	5.87%
	Total Contractual Svcs	8,475.58	45,255.00	36,779.42	18.73%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013110	Apparel Supplies	9.74	-	(9.74)	0.00%
5013120	Office Supplies	582.76	1,500.00	917.24	38.85%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	Total Administrative Supplies	592.50	2,175.00	1,582.50	27.24%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013400	Medical and Laboratory Supp.				
5013420	Medical and Dental Supplies	1.34	-	(1.34)	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2020 and Ending February 28, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
	Total Medical and Laboratory Supp.	1.34	-	(1.34)	0.00%
5013500	Repair and Maint. Supplies				
5013510	Building Repair & Maint Materl	3.52	-	(3.52)	0.00%
5013520	Custodial Repair & Maint Matr	0.49	-	(0.49)	0.00%
	Total Repair and Maint. Supplies	4.01	-	(4.01)	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	Total Residential Supplies	-	120.00	120.00	0.00%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	-	15.00	15.00	0.00%
	Total Supplies And Materials	597.85	2,395.00	1,797.15	24.96%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	36.00	36.00	0.00%
	Total Insurance-Fixed Assets	-	36.00	36.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	6.32	-	(6.32)	0.00%
5015350	Building Rentals	19.20	-	(19.20)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	3,214.58	4,613.00	1,398.42	69.69%
	Total Operating Lease Payments	3,240.10	4,628.00	1,387.90	70.01%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	Total Insurance-Operations	-	143.00	143.00	0.00%
	Total Continuous Charges	3,240.10	4,807.00	1,566.90	67.40%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	45.00	-	(45.00)	0.00%
	Total Computer Hrdware & Sftware	45.00	-	(45.00)	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	Total Office Equipment	-	132.00	132.00	0.00%
5022700	Specific Use Equipment				
5022740	Non Power Rep & Maint- Equip	0.79	-	(0.79)	0.00%
	Total Specific Use Equipment	0.79	-	(0.79)	0.00%
	Total Equipment	45.79	132.00	86.21	34.69%
	Total Expenditures	120,775.14	212,481.00	91,705.86	56.84%
	Allocated Expenditures				

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 10400 - Funeral Directors and Embalmers
 For the Period Beginning July 1, 2020 and Ending February 28, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
20600	Funeral\LTCA\PT	75,831.40	113,395.83	37,564.43	66.87%
30100	Data Center	40,248.43	63,789.84	23,541.41	63.10%
30200	Human Resources	9,234.48	10,199.32	964.83	90.54%
30300	Finance	22,424.89	32,427.59	10,002.69	69.15%
30400	Director's Office	7,732.48	11,651.51	3,919.02	66.36%
30500	Enforcement	109,288.57	168,075.67	58,787.09	65.02%
30600	Administrative Proceedings	24,276.40	34,306.55	10,030.15	70.76%
30700	Impaired Practitioners	251.78	158.33	(93.45)	159.02%
30800	Attorney General	6,207.43	3,807.38	(2,400.05)	163.04%
30900	Board of Health Professions	6,564.48	8,770.32	2,205.84	74.85%
31100	Maintenance and Repairs	165.67	1,034.94	869.27	16.01%
31300	Emp. Recognition Program	52.11	685.43	633.33	7.60%
31400	Conference Center	98.61	149.95	51.34	65.76%
31500	Pgm Devlpmnt & Implmentn	3,093.22	5,223.88	2,130.66	59.21%
Total Allocated Expenditures		<u>305,469.96</u>	<u>453,676.54</u>	<u>148,206.58</u>	<u>67.33%</u>
Net Revenue in Excess (Shortfall) of Expenditures		<u>\$ (164,800.10)</u>	<u>\$ 21,242.46</u>	<u>\$ 186,042.56</u>	<u>775.81%</u>

Funeral Directors and Embalmers Monthly Snapshot for January 2021

Funeral Directors and Embalmers has closed as many cases in January as received. Funeral Directors and Embalmers has closed 3 patient care cases and 2 non-patient care cases for a total of 5 cases.

Cases Closed	
Patient Care	3
Non-Patient Care	2
Total	5

Funeral Directors and Embalmers has received 5 patient care cases and 0 non-patient care cases for a total of 5 cases.

Cases Received	
Patient Care	5
Non-Patient Care	0
Total	5

As of January 31, 2021 there were 43 patient care cases open and 14 non-patient care cases open for a total of 57 cases.

Cases Open	
Patient Care	43
Non-Patient Care	14
Total	57

There are 3,223 Funeral Directors and Embalmers licensees as of February 1, 2021. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Branch Establishment	86
Continuing Education Provider	9
Courtesy Card	112
Crematories	118
Embalmer	2
Funeral Director	33
Funeral Establishment	419
Funeral Service Intern	226
Funeral Service Licensee	1,551
Funeral Supervisor	611
Surface Transport & Removal Services	56
Total for Funeral Directors and Embalmers	3,223

There were 17 licenses issued for Funeral Directors and Embalmers for the month of January. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Branch Establishment	1
Funeral Service Intern	6
Funeral Service Licensee	4
Funeral Supervisor	4
Surface Transport & Removal Services	2
Total for Funeral Directors and Embalmers	17

Funeral Directors and Embalmers Monthly Snapshot for February 2021

Funeral Directors and Embalmers has closed more cases in February than received. Funeral Directors and Embalmers has closed 5 patient care cases and 1 non-patient care case for a total of 6 cases.

Cases Closed	
Patient Care	5
Non-Patient Care	1
Total	6

Funeral Directors and Embalmers has received 4 patient care cases and 0 non-patient care cases for a total of 4 cases.

Cases Received	
Patient Care	4
Non-Patient Care	0
Total	4

As of February 28, 2021 there were 46 patient care cases open and 12 non-patient care cases open for a total of 58 cases.

Cases Open	
Patient Care	46
Non-Patient Care	12
Total	58

There are 3,240 Funeral Directors and Embalmers licensees as of March 1, 2021. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Branch Establishment	86
Continuing Education Provider	9
Courtesy Card	113
Crematories	118
Embalmer	2
Funeral Director	34
Funeral Establishment	419
Funeral Service Intern	227
Funeral Service Licensee	1,560
Funeral Supervisor	615
Surface Transport & Removal Services	57
Total for Funeral Directors and Embalmers	3,240

There were 21 licenses issued for Funeral Directors and Embalmers for the month of February. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Courtesy Card	1
Funeral Director	1
Funeral Service Intern	5
Funeral Service Licensee	9
Funeral Supervisor	4

Surface Transport & Removal Services	1
Total for Funeral Directors and Embalmer	21

From: Virginia Board of Funeral Directors and Embalmers
Date: March 5, 2021
Subject: Recent Regulatory Changes – Effective March 3, 2021



**Virginia Board of Funeral Directors and Embalmers
Recent Regulatory Changes – Effective March 3, 2021**

The Virginia Board of Funeral Director and Embalmers conducts a periodic review of its regulations approximately every four years. The Board recently completed the comprehensive review of two regulatory chapters, Chapter 20 Regulations Governing the Practice of Funeral Services, and Chapter 30 Regulations for Preneed Funeral Planning.

Amendments to these regulations became **effective March 3, 2021**.

**Updates to Regulations Governing the Practice of Funeral Services
18VAC65-20-10 et seq.**

[Click here](#) to access a listing of the most notable regulatory changes to the Board's Regulations Governing the Practice of Funeral Services.

**Updates to Regulations for Preneed Funeral Planning
18VAC65-30-10 et seq.**

[Click here](#) to access a listing of the most notable regulatory changes to the Board's Regulations for Preneed Funeral Planning.

[Click here](#) to access the updated Preneed Q&A Disclosures for Consumers.

To access updated versions of the Board's Regulations Governing the Practice of Funeral Services and Regulations for Preneed Funeral Planning, visit the [Board's Laws and Regulations](#) page.

To view the interlined changes to the text of the Board's Regulations, please visit the Virginia Town Hall website: [Regulations Governing the Practice of Funeral Services](#) and [Regulations for Preneed Funeral Planning](#).

Virginia Board of Funeral Directors and Embalmers Recent Regulatory Changes – Effective March 3, 2021

The Virginia Board of Funeral Director and Embalmers conducts a periodic review of its regulations approximately every four years. The Board recently completed the comprehensive review of two regulatory chapters, Chapter 20 Regulations Governing the Practice of Funeral Services, and Chapter 30 Regulations for Preneed Funeral Planning. Amendments to these regulations became effective **March 3, 2021**.

Updates to Regulations Governing the Practice of Funeral Services 18VAC65-20-10 et seq.

The most notable regulatory changes to the Board’s Regulations Governing the Practice of Funeral Services are outlined below:

Regulation	Description of Change
<u>18VAC65-20-10</u> . Definitions.	Adds a definition of “affiliation” or “affiliated” for purposes of the relationship between main and branch licensed establishments or entities.
<u>18VAC65-20-50</u> . Posting of license.	Clarifies that a licensee should post their license in a place conspicuous to consumers of funeral services in each establishment or branch where <i>he[/she] practices</i> .
<u>18VAC65-20-60</u> . Accuracy of information.	Requires that surface transportation and removal services notify the board within 14 days of any change in the name of the manager of record with the board.
<u>18VAC65-20-130</u> . Renewal of license; registration. <u>18VAC65-20-440</u> . Courtesy cards.	Requires an individual to provide documentation of current, unrestricted licensure for funeral service, funeral directing, or embalming from the licensing authority in the states in which he or she is licensed to practice in order to obtain a courtesy card or renew an existing courtesy card.
<u>18VAC65-20-151</u> . Continued competency requirements for renewal of an active license.	Provides that a new licensee is exempt from the continuing education requirements for the first renewal following the date of initial licensure by examination in Virginia.
<u>18VAC65-20-152</u> . Continuing education providers.	Clarifies the course approval process for Board-approved continuing education providers.
<u>18VAC65-20-170</u> . Requirements for an establishment license.	Requires that an application for licensure of a branch or chapel contain an attestation of the affiliation of the branch or chapel and the main establishment.

Regulation	Description of Change
<u>18VAC65-20-170.</u> Requirements for an establishment license.	Contains provisions for emergency operations of a funeral establishment out of another licensed funeral establishment.
<u>18VAC65-20-171.</u> Responsibilities of the manager of record.	Clarifies that the manager of record of an establishment is responsible for correcting or seeking corrections of any deficiencies identified during the course of an inspection of the establishment.
<u>18VAC65-20-400.</u> Registration of surface transportation and removal services.	Requires persons applying to own or operate a surface transportation and removal service to submit evidence of training <u>of the service manager and staff</u> in compliance with standards of OSHA for universal precautions and bloodborne pathogens <u>and to provide proof of bonding or liability insurance coverage related to the operation of the service.</u>
<u>18VAC65-20-435.</u> Registration of crematories.	Clarifies that the designated manager of a crematory may be the manager of record of a funeral establishment collocated on the same premises.
<u>18VAC65-20-436.</u> Standards for registered crematories or funeral establishments relating to cremation.	Clarifies that the cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph <u>of the remains</u> signed by the person making the identification.
<u>18VAC65-20-500.</u> Disciplinary action.	Authorizes the Board to impose discipline on a licensee for engaging in inappropriate sexual contact between a supervisor and a funeral service intern if the sexual contact is a result of the exploitation of trust, knowledge, or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on the practice of funeral services or on intern training.
<u>18VAC65-20-510.</u> Embalming.	Requires that the embalming report include the name of each student and the signature of the supervisor of any mortuary science student who assisted in the embalming.
<u>18VAC65-20-580.</u> Preparation room equipment.	Clarifies certain requirements for preparation room equipment.
<u>18VAC65-20-700.</u> Retention of documents.	Clarifies provisions related to retention of documents transferred from a funeral establishment to a new establishment owner, including the transfer of preneed documentation.

To access an updated copy of the Board's Regulations Governing the Practice of Funeral Services, visit the [Board's Laws and Regulations](#) page.

Updates to Regulations for Preneed Funeral Planning
18VAC65-30-10 et seq.

The most notable regulatory changes to the Board’s Regulations for Preneed Funeral Planning are outlined below:

Regulation	Description of Change
<u>18VAC65-30-50</u>. Solicitation.	The amendments clarify that contact or in-person communication with interested consumers shall take place only with a funeral service licensee or licensed funeral director and that funeral service interns shall not engage in preneed planning or sales.
<u>18VAC65-30-60</u>. Records; general.	Effective March 3, 2021, preneed contracts and reporting documents are required to be retained on the premises of the establishment for <u>three</u> years after the death of the contract beneficiary.
<u>18VAC65-30-70(A)</u>. Record reporting.	In addition to the current requirements for content of a chronological or alphabetical listing of all preneed contracts, the listing shall include where the contract is funded and where the funds are maintained.
<u>18VAC65-30-70(B)</u>. Record reporting.	The amendments outline additional consumer notice requirements for contract buyers where a preneed contract provider discontinues its business operations and the new establishment either does or does not intend to honor existing preneed contracts.
<u>18VAC65-30-90(B)</u>. Disclosures.	Licensees shall receive a written acknowledgment from the contract buyer that the buyer has received a copy of the general price list and preneed disclosure questions and answers as required by the existing regulations.
<u>18VAC65-30-220</u>. Content of preneed contracts.	In addition to formatting updates, the content of preneed contracts was updated to include clarifications to language regarding guaranteed and nonguaranteed goods and services, as well as an acknowledgment from the contract seller that the general price list and required disclosures have been furnished to the contract buyer
<u>18VAC65-30-230</u>. Content of disclosure statements.	The required Question and Answer disclosure statements have been updated to clarify information for consumers, including descriptions of guaranteed and non-guaranteed prices and services, the importance of maintaining copies of preneed records, and the transfer rights of consumers if a funeral home closes. <u>Click here to access the updated Preneed Disclosure Statements.</u>

To access an updated copy of the Board’s Regulations for Preneed Funeral Planning, visit the [Board’s Laws and Regulations](#) page.

Preneed Disclosures for Consumers

***Note to Funeral Homes: This disclosure document contains a number of questions where the funeral home shall complete the answers with specific information for their establishment for the benefit of the consumer. These questions and answers are denoted by **.*

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

PRENEED CONTRACTS

-- Is there more than one type of preneed agreement?

Yes. Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Nonguaranteed contracts mean just the opposite. Nonguaranteed contracts mean costs may increase or decrease between the time of the agreement and the time of need. A preneed contract may have both guaranteed and nonguaranteed costs. (See the section entitled "General Funding Information" for more information on guaranteed and nonguaranteed costs.)

Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.

-- What are my protections?

You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.

You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.

CANCELLATION

-- Can I cancel my preneed agreement if I change my mind? Will I get my money back?

You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust (revocable or irrevocable), the contract seller will refund all the money you have paid plus any interest or income you have earned.

If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30-day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.

There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)

If you have funded your preneed arrangement through an irrevocable trust, you will not be able to cancel the trust agreement or receive a refund after 30 days following the signing of the agreement except in accordance with §§ 64.2-729 and 64.2-730 of the Code of Virginia.

If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.

PAYMENT

-- What happens to my money after the contract is signed?

Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your account prior to receiving the supplies and services under the preneed contract.

Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.

You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.

-- May I pay for goods and services with real estate or personal property?

Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.

If you pay for goods and services with personal property other than cash or real estate, the contract seller will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The contract seller will confirm in writing that he has received property.

You may decide not to transfer the title of the personal property to the contract seller of your preneed contract. In this situation, you will have to submit information to the contract seller in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.

In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be a separate document.

GENERAL FUNDING INFORMATION

-- If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?

There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose may not have enough value to cover all expenses at the time of need.

-- What happens if my funding is not enough to cover the full cost of these arrangements?

If the entire funeral or specific items in the agreement are guaranteed by the contract seller, your family or estate will not have to pay any more for those items provided that you have paid the grand total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one lump sum, your account may not be enough at the time of your death to cover everything.

-- What happens to the extra money if my funding is more than what is needed to pay for these arrangements?

Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.

After funeral expenses are paid, there may be money left over. Because of the ongoing risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.

Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.

The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements.

Please review your preneed contract and/or funding agreement for answers to these questions.

-- What happens to my preneed contract if I change my assignment from one funeral home to another?

** (Funeral home shall place answer here)

-- What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding?

If you make such changes, it could void your contract. You should request specific information from the contract seller and the funding arrangement.

-- What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?

** (Funeral home shall place answer here)

-- Do I get any money back if I surrender or cancel my funding arrangements?

** (Funeral home shall place answer here)

-- What happens if the funeral home closes? Will I be able to transfer my contract to another funeral home?

You have the right to change the funeral home (contract provider) at any time prior to receiving services or supplies under the preneed contract. A funeral home is required to notify you in writing if it closes or is sold to a buyer that does not intend to honor your preneed contract.

TRUST ACCOUNT

-- If my money goes into a trust account, what information will I receive about that account?

If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account, the name of the trustee, information about what happens to the interest your trust account will earn, and information about your responsibility to file and pay taxes on that interest.

If there are filing expenses connected with your trust account, you will be notified what the expenses are and whether you or the contract seller is the responsible party for paying those.

-- What happens to the interest earned by the trust?

The interest earned by the trust may be handled in different ways by different trust arrangements.

The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account.

Some trust accounts cannot be cancelled.

There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your contract seller for a written list of any fees so you will have a clear understanding about them before you sign the contract.

-- If I pay my trust in premium payments, what happens if I die before the grand total of the funeral has been placed in trust?

** (Funeral home shall place answer here)

CLAIMS AGAINST THIS CONTRACT

-- Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?

No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.

-- Can the money or property be taxed?

No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.

GENERAL GOODS AND SERVICES

-- If I choose goods and services that might not be available at the time of my death, what is the provider required to do?

The funeral home that you select is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death.

Your representative or next-of-kin will have the right to choose the supplies or services to be substituted. However, if the substitute is more expensive than the item originally selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.

If, before your death, the funeral home goes out of business or is otherwise unable to fulfill its obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.

If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.

-- May I choose the exact item I want now and have the funeral home store it until my death?

If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or contract seller agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.

For example, what would happen if you select a casket that is in-stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (i) damage occurs, (ii) the funeral home or supplier goes out of business, (iii) the funeral home or supplier is sold, etc.? You need to be assured in writing of protection in these types of situations.

-- What happens if I choose to have a unique service that is not customary or routine in my community? Must the funeral home comply with my wishes?

The funeral home which you have chosen to conduct your service may be able to only provide certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract. If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of fees which you will be charged.

-- Will the funeral home agree to transport my body to another area for burial?

Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.

If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.

-- I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?

This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the fees involved if they can be determined and guaranteed at this time.

However, the preneed contract arrangements and funding is considered portable. This means that they are available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.

PRICING

-- How will I know that the prices of items which I select are the same for everyone?

The funeral home maintains a general price list and a casket and outer burial container price list. Your contract seller will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the contract seller will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges.

-- What is meant by guaranteed and nonguaranteed prices?

Some contract sellers may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

Guaranteed prices are those that will not increase for your family or estate at the time of your death, provided your preneed contract is fully paid for or funded at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns.

Nonguaranteed prices are those which might increase or decrease. The nonguaranteed prices may be written in at the time of this contract with your understanding that the price is an estimate only and may increase or decrease. A settlement of any difference in the estimated cost and the actual cost at death may have to be made with your family or representative after your death. Examples of prices that are often not guaranteed include cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers musicians or singers, obituary notices, gratuities, and death certificates.

-- Can the contract seller and I negotiate a projected charge for the nonguaranteed items based on the rate of inflation?

It is entirely up to the contract seller to inform you of the funeral home policy in that regard.

CASKETS AND CONTAINERS

-- Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

-- Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

-- Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

EMBALMING

-- Is embalming always required?

Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for

embalming you did not approve if you select arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.

RECORDS

-- What should I do with my preneed contract and documents?

A preneed contract is a legal document. You should keep a copy of your preneed contract and related documentation as you would any similar legal document such as in a safe place or with the person designated to make arrangements at the time of your death.

-- Will the funeral home keep a copy of the preneed contract?

The funeral home is required to maintain a copy of the preneed contract on file prior to and after need. Preneed contracts and related documents are required to be kept by the funeral home for three years after your death.

ASSISTANCE

-- This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?

You may designate in writing a person of your choice to work with the funeral home and contract seller either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.

-- Where can I complain if I have a problem concerning my preneed contract, the contract seller, or the funeral home?

You may direct your complaints or concerns to:

The Board of Funeral Directors and Embalmers
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233
Telephone Number: (804) 367-4479
Toll Free Number for complaints: 1-800-533-1560
Fax: (804) 939-5973
Website: www.dhp.virginia.gov



CENTRAL DISTRICT:
400 E. Jackson St.
Richmond, Virginia 23219-3694
(804) 786-3174
800-447-1708
FAX (804) 371-8595

WESTERN DISTRICT:
6600 Northside High School Road
Roanoke, Virginia 24019
(540) 561-6615
800-862-8312
FAX (540) 561-6619

COMMONWEALTH of VIRGINIA

Department of Health
Office of the Chief Medical Examiner
400 E. Jackson Street
Richmond, VA. 23219-3694

TIDEWATER DISTRICT:
830 Southhampton Ave., Suite 100
Norfolk, Virginia 23510
(757) 683-8366
800-395-7030
FAX (757) 683-2589

NORTHERN VA. DISTRICT:
9797 Braddock Road, Suite 100
Fairfax, Virginia 22032-1700
(703) 764-4640
800-856-6799
FAX (703) 764-4645

February 4, 2021

Fatality Management Guidance Body Storage and Unclaimed Remains

1. OCME Cases: OCME accepts jurisdiction in accordance with § 32.1-283 (A) of the Code of Virginia. This includes unnatural deaths, persons in custody (prison, jail, or state mental health facility), and of anyone who has not been treated by a healthcare provider in the last year. If a death under the jurisdiction of the medical examiner can be adequately investigated by a local medical examiner with an external examination and collection of toxicology specimens, the remains remain in the community with temporary storage either at a hospital or a funeral home until the examination is completed and custody can be transferred to next of kin or other agency. If an autopsy is required, the remains will be transported to an OCME District Office for examination and the remains will be released from the OCME district office to the next-of-kin or their funeral home representative.
 - a. Local medical examiners are required to complete their examination within 24 hours of notification from the OCME District Office.
 - b. If a funeral home or hospital facility is unable to store a decedent that is under the OCME's jurisdiction, then the organization should contact the OCME District office to arrange for transportation of the decedent to the OCME District office.
 - c. If remains in the custody of the OCME are unclaimed, OCME staff will adhere to the procedure as outlined in § 32.1-309.2 of the Code of Virginia. The Code of Virginia outlines that unclaimed remains are those that remain unclaimed by the family and/or representative authorized by law after 10 days from initial notification.



Accredited by the National Association of Medical Examiners

2. Most Natural Deaths are not under OCME jurisdiction: Roughly 90% of all deaths that occur per year in Virginia are natural deaths. Since natural deaths do not fall under the OCME's jurisdiction, the decedent's next-of-kin or legal representative is responsible to have the decedent removed from the facility storing the decedent.
 - a. Healthcare facilities and/or local authorities should be prepared to provide storage for natural deaths that occur in their communities and/or facilities. Therefore, these organizations should have staff available to ensure their compliance § 32.1-309.2 of the Code of Virginia when a body is unclaimed.
 - b. In some cases (e.g., pandemics), where natural deaths exceed local body storage resources, then healthcare facilities may need to acquire other storage options (e.g., refrigerated trailers) to ensure proper storage of decedents.

§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid

A. In any case in which (i) the primary law-enforcement agency of the county or city in which the person or institution having initial custody of the dead body of the decedent is located or the county or city in which the decedent resided, as may be appropriate pursuant to § 32.1-309.1, is unable to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify (a) the attorney for the county or city in which the decedent resided at the time of death, if known, or (b) if the decedent's county or city of residence at the time of death is not known, the attorney for the county or city in which the person or institution having initial custody of the dead body is located or, if there is no county or city attorney, the attorney for the Commonwealth in such county or city, and such attorney shall forthwith and without delay request an order to be entered by the court within one business day of receiving such request authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Such request shall contain transportation and disposition instructions for the unclaimed dead body. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. In such final order, the court may direct the clerk to forthwith provide a copy of the final order to the attorney who has submitted the request for a final order authorizing the person or institution having initial custody of the dead body to transfer custody of the dead body to a funeral service establishment for final disposition in accordance with this subsection. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (1) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (2) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is

unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

2014, c. 228;2015, cc. 658, 670;2018, c. 773.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

LEGISLATIVE AND REGULATORY REPORT

Report on Regulatory Actions (as of March 19, 2021)

of Funeral Directors and Embalmers		
Chapter	Action / Stage Information	
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<p>Licenses for funeral directors and embalmers [Action 5635]</p> <p>Emergency/NOIRA - Register Date: 2/1/21 Comment closed: 3/3/21</p>
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<p>Results of periodic review [Action 5165]</p> <p>Final - Register Date: 2/1/21 Effective: 3/3/21</p>
[18 VAC 65 - 30]	Regulations for Preneed Funeral Planning	<p>Periodic review 2018 [Action 5220]</p> <p>Final - Register Date: 2/1/21 Effective: 3/3/21</p>
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<p>Periodic review 2019 [Action 5221]</p> <p>Proposed - At Governor's Office for 441 days</p>

Legislative Report – 2021 Session of the General Assembly

HB 2005 Disposition of the remains of a decedent; persons to make arrangements for funeral.

Chief patron: Sickles

Summary as passed House:

Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains. Establishes an order of priority for persons who have the right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains and establishes processes by which such persons may assert or forfeit their right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains. The bill also provides protections for any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon a written statement made by a person attesting to his right to make arrangements or otherwise be responsible for a decedent's funeral and sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill also adds provisions related to designation of a person to make arrangements for a decedent's funeral or disposition of a decedent's remains, clarification of decision-making authority when next of kin disagrees, and procedures in the absence of next of kin for cemeteries or cemetery companies.

02/03/21 House: VOTE: Passage (91-Y 8-N)

02/04/21 Senate: Constitutional reading dispensed

02/04/21 Senate: Referred to Committee on General Laws and Technology

02/05/21 Senate: Continued to 2021 Sp. Sess. 1 in General Laws and Technology (14-Y 0-N)

02/17/21 Senate: Failed to report (defeated) in General Laws and Technology (5-Y 9-N 1-A)

HB 2116 Funeral service licensees, etc.; priority for personal protective equipment and immunization, etc.

Chief patron: Mugler

Summary as passed:

Certain declared states of emergency; priority for personal protective equipment and immunizations; funeral service licensees and funeral service establishment employees; emergency. Provides that in any case in which the Board of Health or Commissioner of Health has made an emergency order or regulation for the purpose of suppressing nuisances dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health, funeral service licensees and persons employed by a funeral service establishment shall be included in any group afforded priority with regard to (i) access to personal protective equipment and (ii) administration of any vaccination against such communicable disease of public health threat during such emergency. The bill contains an emergency clause.

EMERGENCY

02/25/21 House: Impact statement from DPB (HB2116ER)

02/25/21 Senate: Signed by President

02/26/21 House: Signed by Speaker

03/01/21 House: Enrolled Bill communicated to Governor on March 1, 2021

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

BOARD DISCUSSION AND ACTION

Adoption of Proposed Regulations
Governing the Practice of Funeral
Services to Replace Emergency
Regulations for Licensure of
Funeral Directors and Embalmers

(18 VAC 65-20-10 et seq.,
18 VAC 65-30-10 et seq., and
18 VAC 65-40-10 et seq.)

**Agenda Item: Board Action –Adoption of proposed amendments
(Separate licenses for Funeral Director and Embalmer)**

Staff Note:

Included in your package are:

Copy of Notice in the Regulatory Townhall

Copy of comments received

Copy of DRAFT regulations – The proposed draft is the emergency regulations with several changes that are recommended by staff – those changes are in red on your copy

Actions:

Motion to adopt the proposed amendments to 18VAC65-20 as presented or as amended by the Board – discussion will follow the motion

Board

Board of Funeral Directors and Embalmers

Chapter






Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]


Action:

Licenses for funeral directors and embalmers

Action 5635 / Stage 9107

Emergency/NOIRA Stage   [Edit Stage](#)  [Go to RIS Project](#)  [Request Emergency Extension](#)

Documents		
 Emergency Text	10/20/2020 12:48 pm	Sync Text with RIS
 Agency Background Document	10/20/2020	Upload / Replace
 Attorney General Certification	10/23/2020	
 Governor's Review Memo	1/4/2021	
 Registrar Transmittal	1/4/2021	

Status	
Public Hearing	Will be held at the proposed stage
Emergency Authority	2.2-4011
Exempt from APA	No, this stage/action is subject to Article 2 of the <i>Administrative Process Act</i>
Attorney General Review	Submitted to OAG: 10/20/2020 Review Completed: 10/23/2020 Result: Certified
DPB Review	Submitted on 10/23/2020 Policy Analyst: Jerry Gentile Review Completed: 10/30/2020 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Secretary Review	Secretary of Health and Human Resources Review Completed: 11/24/2020
Governor's Review	Review Completed: 1/4/2021 Result: Approved
Virginia Registrar	Submitted on 1/4/2021 The Virginia Register of Regulations Publication Date: 2/1/2021  Volume: 37 Issue: 12
Comment Period	Ended 3/3/2021 5 comments
Effective Date	1/5/2021
Expiration Date	7/4/2022

Comments posted on Townhall

Chapter

Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]

Action	Licenses for funeral directors and embalmers
Stage	Emergency/NOIRA
Comment Period	Ends 3/3/2021

5 comments

All good comments for this forum [Show Only Flagged](#)

[Back to List of Comments](#)

2/13/21 5:30 pm

Commenter: Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge

Licensure requirement for Funeral Director

Although the creation of separate functions and, thus, separate licensure in the funeral industry is welcomed, I am concerned about the requirement in the new Funeral Director license for course study in Pathology. My background is in the medical laboratory and, in that context, Pathology refers to investigation of human tissue. In the biological sciences, Pathology refers to the disease process that affects an organism or a population. If the Funeral Home receives a body of someone who died from tuberculosis, or in today's world, Covid, the Funeral Director does not need to know the course of the disease in order to provide appropriate care to the family. OSHA provides guidelines for safe handling of human remains. The Funeral Director needs interpersonal and administrative skills in this profession. If science were of interest, there are many other fields that provide employment opportunities. This requirement should be removed.

CommentID: 97239

2/14/21 1:25 pm

Commenter: Eugene J. Gardner

Education Requirement for Funeral Directors - Pathology Course

My wife passed away from ALS six months ago. She had chosen cremation. Things went very smoothly with the funeral home, but it was clear from conversations with the provider that the pandemic was putting some stress on funeral services.

We need to take every opportunity to help that profession. Requiring a course in pathology for funeral directors is a step in the wrong direction. More and more clients are choosing cremation due to negative aspects of embalming. The creation of a license for funeral directors separate from licenses for embalmers or funeral service licensees provides more options for those considering this profession.

Including pathology coursework works against people not interested in the more physical aspects of the funeral industry. Let the requirements serve the current state of the industry and society. Everything is hard enough as it is.

CommentID: 97240

2/18/21 8:23 am

Commenter: Isabel Berney

Licenses for Funeral Directors and Embalmers

There legislature directed the Board of Funeral Directors and Embalmers to provide for licenses for embalmers and for funeral directors. These entail different skills and different work assignments. There is no need for funeral directors to meet the class requirements that are necessary for an embalmer. As embalming decreases in popularity, there is a need to meet consumer concerns. A funeral director license needs to cover administrative and public relations duties. It should be completely separate from embalmers.

Those who object to embalming on religious grounds ought to be able to obtain a license for a funeral director.

CommentID: 97247

2/18/21 5:01 pm

Commenter: JOANNE

Licenses for funeral homes and embalmers

My comment on the above legislation is: having two different licenses is the only fair way to do it. This enables prospective candidates who want to pursue a funeral directors license but do not want to handle the physical (embalming) aspect of obtaining license. Some groups do not embalm their dead. I would give people planning a funeral a greater pool of businesses to choose from.

With the pandemic there is a greater need for funerals. Having two different licenses would alleviate the shortage of funeral home directors.

CommentID: 97248

2/19/21 3:30 pm

Commenter: Linda Plaut

Licenses for funeral homes and embalmers

As a citizen with family members in the Jewish community, I object to the requirement for a pathology class or embalming qualification for funeral home directors. We need a range of compassionate caregivers to help us though the loss of a loved one, especially at this difficult time.

CommentID: 97250

Project 6539 - Emergency/NOIRA

Board Of Funeral Directors And Embalmers

Licenses for funeral directors and embalmers

18VAC65-20-130. Renewal of license; registration.

A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18VAC65-20-120, submit the renewal form and applicable fee.

1. In order to renew an active funeral service, funeral director, or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18VAC65-20-151.

2. The board shall not renew a license for any licensee who fails to attest to compliance with continuing competency requirements on the renewal form.

B. A person who or entity that desires to renew an expired license for up to one year following expiration shall comply with requirements of subsection A of this section and also submit the applicable fee for late renewal.

C. A person who or entity ~~which~~ that fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18VAC65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

18VAC65-20-140. Reinstatement of expired license or registration.

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration for up to three years following expiration. An

application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service ~~provider~~ licensee, funeral director ~~and, or~~ embalmer is lapsed three years or less and the applicant is seeking reinstatement, ~~he~~ the applicant shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. When a license is not reinstated within three years of its expiration date, an applicant shall reapply for licensure and pass the state examination.

18VAC65-20-151. Continued competency requirements for renewal of an active license.

A. Funeral service licensees, funeral directors, ~~or funeral~~ embalmers shall be required to have completed a minimum of five hours per year of continuing education offered by a board-approved sponsor for licensure renewal in courses that emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession of funeral service.

1. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements. The one-hour requirement on compliance with laws and regulations may be met once every two years by attendance at a meeting of the board or at a committee of the board or an informal conference or formal hearing.

2. One hour of the five hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department

or free clinic. For the purposes of continuing education credit for volunteer service, an approved sponsor shall be a local health department or free clinic.

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

18VAC65-20-154. Inactive license.

A. A funeral service licensee, funeral director, or embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee of \$115, be issued an inactive license. The fee for late renewal up to one year following expiration of an inactive license shall be \$40.

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service, funeral directing, or embalming in Virginia.

2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, funeral director, or embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and
2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

18VAC65-20-231. Requirements for a funeral director license by examination.

A. To qualify for licensure as a funeral director, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service internship prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an associate's degree or its equivalent, which consists of at least 60 credit hours of coursework, of which at least 30 hours shall be in coursework from a funeral directing program approved by the board;
4. Have successfully completed coursework in the area of pathology as approved by the board;
5. Have passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards; and
6. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-20-232. Requirements for an embalmer license by examination.

A. To qualify for licensure as an embalmer, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service internship prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an embalming program approved by the board;
4. Have passed the National Board Examination in Sciences or State Board Examination in Sciences of the International Conference of Funeral Service Examining Boards; and
5. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-20-235. Approval of educational programs.

All applicants for ~~funeral service~~ licensure as a funeral service licensee are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.

A. Licenses for the practice of funeral service, funeral directing, embalming, or its an equivalent license issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license ~~or licenses~~ may be granted a license to practice funeral service, funeral directing, or embalming within the Commonwealth.

Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service, funeral directing, embalming, or its an equivalent license in another state, territory, or the District of Columbia and possesses credentials ~~which~~ that are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

18VAC65-20-500. Disciplinary action.

In accordance with the provisions of § 54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board:

1. Breach of confidence. The unnecessary or unwarranted disclosure of confidences by the funeral licensee.
2. Unfair competition.

a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.

b. Consent by a funeral service licensee or funeral director to take charge of a body unless authorized by the person or his agent having the legal right to disposition.

3. False advertising.

a. No licensee or registrant shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of § 54.1-2806 of the Code of Virginia:

(1) Advertising containing inaccurate statements; and

(2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.

c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:

(1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and

- (2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.
4. Inappropriate handling and storage of dead human bodies, consistent with § 54.1-2811.1 of the Code of Virginia and regulations of the board. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.
 5. Failure to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.
 6. Conducting the practice of funeral services, funeral directing, or embalming in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.
 7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.
 8. Failure to register as a supervisor for a funeral **service** intern or failure to provide reports to the board as required by the Code of Virginia and 18VAC65-40-320.
 9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.
 10. Conducting activities or performing services that are outside the scope of a licensee's practice or for which the licensee is not trained and individually competent.

18VAC65-20-630. Disclosures.

Funeral providers licensees shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in:

APPENDIX I - General Price List;

APPENDIX II - Casket Price List, Outer Burial Container Price List; and

APPENDIX III - Itemized Statement of Funeral Goods and Services Selected.

18VAC65-30-10. Definitions.

In addition to those defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Appointee" means the individual selected by the contract beneficiary to arrange a preneed funeral plan on behalf of the contract beneficiary.

"Capper," "steerer," or "shill" means a person who serves to entice another to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale.

"Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the behalf of the contract buyer. Cash advance items may include, ~~but are not limited to,~~ cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

"Consideration," "contract price," or "funds" means money, property, or any other thing of value provided to be compensation to a contract seller or contract provider for the funeral services and funeral goods to be performed or furnished under a preneed funeral contract. Consideration does not include late payment penalties and payments required to be made to a governmental agency at the time the contract is entered into.

"Contract" means a written, preneed funeral contract, and all documents pertinent to the terms of the contract under which, for consideration paid to a contract seller or a contract provider by or on behalf of a contract buyer prior to the death of the contract beneficiary, a person promises to furnish, make available, or provide funeral services or funeral goods after the death of a contract beneficiary.

"Contract beneficiary" means the individual for whom the funeral services and supplies are being arranged.

"Contract buyer" means the purchaser of the preneed contract.

"Contract provider" means the funeral establishment designated by the contract buyer and contracting with the contract buyer to provide for funeral services and supplies in the preneed funeral contract.

"Contract seller" means the funeral service licensee or funeral director who makes the preneed arrangements with the contract buyer for the funeral service and who makes the financial arrangements for the service and the goods and supplies to be provided.

"Designee" means the individual designated to make arrangements for burial or final disposition of the remains pursuant to § 54.1-2825 of the Code of Virginia.

"Funding source" means the trust agreement, insurance policy, annuity, personal property, or real estate used to fund the preneed plan.

"Funeral supplies and services" means the items of merchandise sold or offered for sale or lease to consumers that will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets, combination units, and catafalques. Funeral goods does not mean land or interests in land, crypts, lawn crypts, mausoleum crypts, or niches that are sold by a cemetery that complies with Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia. In addition, "funeral supplies and services" does not mean cemetery burial vaults or other outside containers, markers, monuments, urns, and merchandise items used for the purpose of memorializing a decedent and placed on or in proximity to a place of interment or entombment of a casket, catafalque, or vault or to a place of inurnment that are sold by a cemetery operating in accordance with Chapter 23.1 of Title 54.1 of the Code of Virginia.

"Guaranteed contract price" means (i) the amount paid by the contract buyer on a preneed funeral contract, and income derived from that amount, or (ii) the amount paid by a contract buyer for a life insurance policy or annuity as the funding source and its increasing death benefit. These amounts shall be accepted as payment in full for the preselected funeral goods and services.

"Income" means the amount of gain received in a period of time from investment of consideration paid for a preneed contract.

"Nonguaranteed contract price" means the costs of items on a preneed funeral contract that are not fixed for the specified funeral goods or funeral services selected and nonguaranteed costs may increase from the date of the contract to the death of the contract beneficiary and the family or estate will be responsible for paying at the time of need for the services and supplies that were nonguaranteed. Cash advance items are not guaranteed.

18VAC65-30-50. Solicitation.

A. In accordance with provisions of § 54.1-2806 of the Code of Virginia, a licensee shall not initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees.

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee or a funeral director. [Funeral service interns shall not engage in preneed planning or sales.]

18VAC65-30-220. Content of preneed contracts.

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

PRENEED FUNERAL CONTRACT

for

(Name of Recipient of Services)

_____ (Zip) _____

I. SUPPLIES AND SERVICES PURCHASED

If the prices of goods and services are guaranteed, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased	
I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF	\$ _____
II. FUNERAL HOME FACILITIES	
A. Facilities and Staff for visitation/viewing	\$ _____
B. Facilities and Staff for funeral ceremony	\$ _____
C. Facilities and Staff for memorial service	\$ _____
D. Equipment and Staff for graveside service	\$ _____
(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)	
III. EMBALMING	
A. Normal remains	\$ _____
B. Autopsy remains	\$ _____
IV. OTHER PREPARATION OF THE BODY	\$ _____
(NOTE: List all items that you placed under Other Preparation on your General Price List.)	
V. IMMEDIATE BURIAL	\$ _____
VI. DIRECT CREMATION	\$ _____
VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT	\$ _____
VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME	\$ _____
IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME	\$ _____
X. AUTOMOTIVE EQUIPMENT	
A. Hearse	\$ _____
B. Limousine	\$ _____
(NOTE: List all others that you placed on General Price List.)	
XI. FUNERAL MERCHANDISE	

A. Casket (*describe)	

_____	\$ _____
B. Outer Burial Container (*describe)	

_____	\$ _____
C. List any others	
_____	\$ _____
Supplies Purchased	
Clothing	\$ _____
Temporary marker	\$ _____
Acknowledgment cards	\$ _____
Register/attendance books	\$ _____
Memorial folders	\$ _____
Other	\$ _____
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____
XII. PACKAGE PRICES	
(NOTE: List all package prices by name.)	
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____
Nonguaranteed Goods and Services Purchased	
The actual prices of goods and services below are NOT GUARANTEED. These items may include, but not be limited to, obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:	
SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS:	\$ _____
GRAND TOTAL FOR PRENEED ARRANGEMENTS	
1. Total cost of (guaranteed) services purchased	\$ _____
2. Total cost of (guaranteed) supplies purchased	\$ _____
3. Total estimated cost of nonguaranteed items	\$ _____
GRAND TOTAL	\$ _____
The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR	

FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home)

II. GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

A. Buyer:

B. Funeral Home Providing Services:

C. Contract seller:

Employed by: (Funeral Home)

Virginia Funeral Director License Number:

Method of Funding

A. Insurance

B. Trust

1. Amount to be trusted:

2. Name of trustee:

3. Disposition of Interest:

4. Fees, expenses, taxes deducted from earned interest:

5. Buyer's responsibility for taxes owned on interest:

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. Buyer:

B. Insurance Company:

C. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director or Funeral Service Licensee in Virginia: ___yes ___no

Funeral Director or Funeral Service License Number (If Applicable):

Employed by Funeral Home (If Applicable):

D. The life insurance or annuity contract provides either that:

_____ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States;

or

_____ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.

III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning.

Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233

Telephone Number (804) 367-4479

Toll Free Number 1-800-533-1560

FAX: (804) 527-4413

IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law

and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):

_____ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page _____ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

_____ The prices for items under supplies and services are not guaranteed.

VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

(Designee of Funeral Home)	(Buyer)
(Funeral Home)	(Contract Date)

VIII. PENALTIES OR RESTRICTIONS

The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances which apply);

4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and

B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

Addendum to Preneed Contract

APPOINTEE AGREEMENT

I appoint _____ of (address) _____ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is _____.

Contract Beneficiary: _____ Date: _____

I accept the request of (contract beneficiary) _____ to assist with his/her preneed arrangements.

Appointee: _____ Date: _____

The foregoing was acknowledged before me this _____ day of _____, 19____

Notary: _____

Date Commission Expires: _____

18VAC65-40-10. Definitions.

In addition to words and terms defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Direct supervision" means that a person licensed for the practice of funeral service ~~professional~~, funeral directing, or embalming is present and on the premises of the facility.

"Supervisor" means a licensed employee at the training site who has been approved by the board to provide supervision for the funeral intern.

"Training site" means the licensed funeral establishment, facility, or institution that has agreed to serve as a location for a funeral service internship and has been approved by the board.

18VAC65-40-40. Fees.

A. The following fees shall be paid as applicable for registration:

1. Funeral service, <u>funeral directing, or embalming</u> intern registration	\$150
2. Funeral service, <u>funeral directing, or embalming</u> intern renewal	\$125
3. Late fee for renewal up to one year after expiration	\$45
4. Duplicate copy of intern registration	\$25
5. Handling fee for returned check or dishonored credit card or debit card	\$50
6. Registration of supervisor	\$35
7. Change of supervisor	\$35
8. Reinstatement fee	\$195

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted.

18VAC65-40-90. Renewal of registration.

A. The funeral service, funeral directing, or embalming intern registration shall expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service, funeral directing, or embalming intern is responsible for notifying the board within 14 days of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.

18VAC65-40-110. Reinstatement of expired registration.

A. A funeral service, funeral directing, or embalming intern whose registration has expired may be reinstated within one year following expiration by payment of the current renewal fee and the late renewal fee.

B. A funeral service, funeral directing, or embalming intern whose registration has been expired for more than one year shall apply for reinstatement by submission of an application and payment of a reinstatement fee. The board may consider reinstatement of an expired registration for up to three years following expiration.

C. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new internship begun.

18VAC65-40-130. Funeral service, funeral directing, or embalming internship.

A. ~~The~~ An internship for funeral service, funeral directing, or embalming shall consist of at least ~~3,000~~ 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. For good cause shown, the board may grant an extension of time for completion of an internship.

B. The ~~funeral service~~ intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.

C. A funeral service intern shall receive training in all areas of funeral service.

D. A funeral directing intern shall receive training in all areas of funeral directing, including assisting in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.

E. An embalming intern shall receive training in all aspects of embalming practice, including assisting in at least 25 embalmings, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.

F. An intern registration shall expire upon issuance by the Board of a license to practice as a funeral service licensee, funeral director, or embalmer. When an internship has been completed for licensure as a funeral director or as an embalmer, the approval of an additional internship to meet the requirements for licensure as a funeral service licensee may be approved by the Board in accordance with § 54.1-2817 of the Code of Virginia and the regulations of the board. Any additional internship granted shall be limited in duration to the time required for completion of hours and cases required for licensure. An internship may not be used to expand the scope of practice of a licensee.

G. An intern shall be identified to the public as a funeral service intern, funeral directing intern, or embalming intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

18VAC65-40-180. Intern application package for funeral service licensure.

A. Any person who meets the qualifications of § 54.1-2817 of the Code of Virginia may seek registration with the board as a funeral service intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

18VAC65-40-185. Intern application for funeral directing or embalming licensure.

A. An applicant who attests to holding a high school diploma or its equivalent may seek registration with the board as a funeral directing or an embalming intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may approve an application to be a funeral directing or an embalming intern for an individual convicted of a felony, if the applicant has successfully fulfilled all conditions of sentencing, been pardoned, or has had civil rights restored. The board shall not, however, approve an application to be an intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126 of the Code of Virginia. The board, in its discretion, may refuse to approve an application to be a funeral directing or an embalming intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-40-220. Qualifications of training site.

A. The board shall approve only an establishment or two combined establishments to serve as the training site or sites that:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. ~~Have~~ For a funeral service internship, have 50 or more funerals and 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the

required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site; or

4. For a funeral directing internship, have 50 or more funerals over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals, the funeral directing intern may seek approval for an additional training site; or

5. For an embalming internship, have 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of embalmings, the embalming intern may seek approval for an additional training site.

B. The board may grant approval for a ~~resident trainee~~ funeral service or embalming intern to receive all or a portion of the embalming training at a facility of state or federal government or an accredited educational institution.

18VAC65-40-250. Requirements for supervision.

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at least two consecutive years in practice and are employed full time in or under contract with the establishment, facility, or institution where training occurs.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.

D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

E. If a supervisor is unable or unwilling to continue providing supervision, the ~~funeral service~~ intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

F. No more than a combined total of two funeral service, funeral directing, or embalming interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing, or embalming. Each supervisor for a registered funeral directing intern or a registered embalming intern must be actively employed by or under contract with a funeral establishment.

18VAC65-40-280. Supervisor application package.

A. A licensee seeking approval by the board as a supervisor shall submit a completed application and any additional documentation as may be required to determine eligibility.

B. The application for supervision of a funeral service, funeral directing, or embalming intern shall be signed by the establishment manager and by the persons who will be providing supervision for embalming ~~and, for funeral directing, or for the funeral services.~~

18VAC65-40-320. Reports to the board.

A. The intern, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding period; and
2. Be received in the board office no later than 14 days following the end of the completion of 1,000 hours. ~~Late reports may result in additional time being added to the internship.~~

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report

to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.

2. Partial reports shall be received in the board office no later than 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. ~~Credit may be deducted for late reports.~~

C. An intern shall not receive credit for training hours on a new 1,000-hour report until the previous 1,000-hour report has been approved by the board.

D. Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the board may deny an additional internship. A funeral directing or an embalming intern may continue to practice for up to 90 days from the completion of internship hours or until the intern has taken and received the results of all examinations required by the board, ~~whichever occurs first.~~ However, the board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the board determines that enforcement of the limitation will create an unreasonable hardship.

Part III

Internship: ~~Funeral~~ Supervisors' Responsibilities

18VAC65-40-340. Supervisors' responsibilities.

A. The supervisor shall provide the intern with all applicable laws and regulations or sections of regulations relating to the funeral industry.

B. The supervisor shall provide the intern with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide the funeral service or funeral directing intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to conduct all necessary arrangements for a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the funeral service or embalming intern under direct supervision to perform a minimum of 25 embalmings.

E. The supervisor shall provide the funeral service or funeral directing intern with instruction in making preneed funeral arrangements and instruction on the laws and regulations pertaining to preneed funeral contracts and disclosures.

F. The supervisor shall provide the funeral service or funeral directing intern instruction on cremation and on the laws and regulations pertaining to cremation.

G. If a training site does not offer preneed funeral planning or cremation services, the supervisor shall arrange for such training at another licensed funeral establishment that does.

18VAC65-40-640. Disciplinary action.

The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the laws and regulations of the Board of Funeral Directors and Embalmers.

Adoption of Revisions to Inspection
Forms for Funeral Establishments
and Crematories to Conform to
Recent Regulatory Changes;
Incorporation of Internships

Guidance Documents
76-21.3.1 and 76-21.3.2

Commonwealth of Virginia - Department of Health Professions
Funeral Inspection Report
www.dhp.virginia.gov
804-367-4400

	Date	Time	Inspection Hours
Name of Funeral Establishment or Branch	<input type="checkbox"/> Establishment: License No 0501	<input type="checkbox"/> PENDING	Exp:
	<input type="checkbox"/> Branch: License No 0511	<input type="checkbox"/> PENDING	Exp:
Street Address	City	State VIRGINIA	ZIP
Manager	License No: 0502	Expiration Date	Fax
Type of Inspection <input type="checkbox"/> New/COL <input type="checkbox"/> Routine <input type="checkbox"/> Reinspection <input type="checkbox"/> Change of Owner <input type="checkbox"/> Other (Describe)			Email
Prep Room On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No		Original Preneed Contracts On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Deficiencies Identified			

C = Compliant NC = Not Compliant R = Repeat Citation N/A = Not Applicable or Not Reviewed

ESTABLISHMENT LICENSE & MANAGER OF RECORD				
C	NC	R	NA	LAW/REGULATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2800
FOR NEW OR CHANGE OF LOCATION INSPECTIONS ONLY: A Certificate of Occupancy (CO) issued by the local building official. (The Board needs a copy of the CO)				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-50
Each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed practices.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-50
The establishment license shall be posted in a place conspicuous to consumers of funeral services.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-170
Except as provided in §54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as prescribed in 18VAC65-20-171.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-171
Every funeral establishment shall have a manager of record who is employed full time by and in charge of the establishment. The manager shall be fully accountable for the operation of the establishment. The MOR's duties include but are not limited to:				
<ul style="list-style-type: none"> • Maintenance of facility • Retention of reports and documents as prescribed by the board in 18VAC65-20-700 • Reporting to the board of any changes in information as required by 18VAC65-20-60 • Correcting or seeking corrections of any deficiencies identified during the course of an inspection of the establishment 				
STANDARDS FOR EMBALMING AND REFRIGERATION				
C	NC	R	NA	LAW/REGULATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-510
EMBALMING REPORT, DOCUMENTATION OF EMBALMING, REFRIGERATION REQUIREMENTS Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information: 1. The name of the deceased and the date of death; 2. The date and location of the embalming; 3. The name and signature of the embalmer and the Virginia license number of the embalmer; 4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor; and 5. The name of each student and the signature of the supervisor of any mortuary science student who assisted in the embalming.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1
A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order.				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-510
Express permission by next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal authorization to embalm, provided it is followed as soon as possible by a written document or statement signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.				

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C	NC	R	NA	LAW / REGULATION	PREPARATION ROOM REQUIREMENTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540	Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540	All functions connected with embalming shall be performed within the preparation room.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-540	The following are required of the preparation room or rooms: 1. The walls shall extend floor to ceiling; 2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and 3. The material shall extend from wall to wall with all joints tight and sanitary.
C	NC	R	NA	LAW / REGULATION	CONDITIONS OF PREPARATION ROOM
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-570	Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.
C	NC	R	NA	LAW / REGULATION	PREPARATION ROOM EQUIPMENT
					The preparation room or rooms shall be equipped with:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A ventilation system which operates and is appropriate to the size and function of the room
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Running hot and cold water
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Flush or slop sink connected with public sewer or with septic tank where no public sewer is available
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Metal, fiberglass or porcelain morgue table
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Covered waste container
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Instruments and apparatus for the embalming process
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A means or method for the sterilization or disinfection of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Disinfectants and antiseptic solutions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Clean gowns or aprons, preferably impervious to water
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	Rubber gloves for each embalmer, or intern, or student using the room
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	An electric aspirator or hydroaspirator equipped with a vacuum breaker
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	An eye wash station that is readily accessible
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-580	A standard first aid kit which that is immediately accessible, either in the preparation room or outside the door to the preparation room
C	NC	R	NA	LAW / REGULATION	DISPOSAL OF WASTE MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-590	Disposal of all waste materials shall be in conformity with local, state, and federal law and regulations to avoid contagion and the possible spread of disease. Upon inspection, the establishment shall provide evidence of compliance, such as a copy of a contract with a medical waste disposal company.

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C	NC	R	NA	LAW / REGULATION	REFRIGERATION, HANDLING, STORAGE OF HUMAN REMAINS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	Upon taking custody of a dead human body, a funeral service establishment shall maintain such body in a manner that provides complete coverage of the body and that is resistant to leakage or spillage, except during embalming or preparation of an unembalmed body for final disposition; restoration and dressing of a body in preparation for final disposition; and viewing during any visitation and funeral service.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	If a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order. NOTE: Guidance Document 65-11 Rev April 17, 2018 January 19, 2021: The Board agreed to accept a 10% variance of the required temperature.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-581	If a dead human body is to be in the possession of a funeral establishment or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains. The mechanical refrigeration unit may be located in the funeral establishment or crematory or the funeral home or crematory can enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration. (Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	If a dead human body is to be stored for more than 10 days prior to disposition at a location other than a funeral service establishment, the funeral service establishment shall disclose to the contract buyer the location where the body is to be stored and the method of storage.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2811.1	Funeral services establishments, crematories, or transportation services shall not transport animal remains together with dead human bodies. Further, animal remains shall not be refrigerated in a unit where dead human bodies are being stored.
C	NC	R	NA	LAW / REGULATION	STANDARDS FOR REGISTERED CREMATORIES OR FUNERAL ESTABLISHMENTS RELATED TO CREMATION
					Authorization to cremate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to §54.1-2825, an agent named in an advance directive pursuant to §54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person or agent is available.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph <u>of the remains</u> signed by the person making the identification.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (A)	In the event visual identification is not feasible, a crematory may use other positive identification of the deceased as a prerequisite for cremation, pursuant to §54.1-2818.1.
C	NC	R	NA	LAW / REGULATION	Handling of Human Remains
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	A cremation container shall substantially meet all the following standards: <ul style="list-style-type: none"> • Be composed of readily combustible materials suitable for cremation • Be able to be closed in order to provide complete covering for the human remains • Be resistant to leakage or spillage • Be rigid enough for handling with ease
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-436 (C)	The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container.
RETENTION OF DOCUMENTS					
C	NC	R	NA	LAW / REGULATION	The following retention schedule shall apply to retention of embalming reports, price lists, and itemized statements:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Price lists shall be retained for three years after the date on which they are no longer effective.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Itemized statements shall be retained for three years from the date on which the arrangements were made.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Embalming reports shall be retained at the location of the embalming for three years after the date of the embalming.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-700	Documents shall be maintained on the premises of the funeral establishment and made available for inspection.

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DISCLOSURES		
C NC R NA	LAW / REGULATION	18VAC65-20-630 Funeral providers shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in Appendices I, II, and III of this chapter.
GENERAL PRICE LIST		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Caption identifying the list as the General Price List.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Name, address & telephone number of funeral establishment.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Effective date of the pricelist.
SECTION I – GENERAL INFORMATION		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Required Disclosure: <i>"The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected."</i>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	§54.1-2806 (24)	"Certain funeral services may be provided off-premises by other funeral service providers."
SECTION II - PROFESSIONAL SERVICES OF FUNERAL DIRECTOR AND STAFF		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Basic Services of Funeral Director and Staff \$ _____ <i>"This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" OR Please note that a fee of \$ _____ for the use of our basic services and overhead is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket."</i>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Our services include: (*Note: List what charge for basic services includes)
SECTION III – FUNERAL HOME FACILITIES		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	18VAC65-20-630 APPENDIX I	Price list includes charge and description for: 1. Facilities and staff for visitation and viewing 2. Facilities and staff for funeral ceremony 3. Facilities and staff for memorial service 4. Equipment and staff for graveside service
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	(*Note: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff per person or through calculation of manhours, etc., add here as extra items. If you have a charge for interment, add here. Describe what charges include.)
SECTION IV - EMBALMING		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	<i>"Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial."</i>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Embalming charge for normal and autopsy remains. (*Note: If the cost for embalming is the same for normal and autopsied remains, only one price may be listed)
SECTION V - OTHER PREPARATION OF THE DECEASED		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Description and price of other preparation if provided. (*Note: List below each preparation service that you offer and the price. If you do not charge for other preparation, remove this section.)
SECTION VI – IMMEDIATE BURIAL		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Price range for immediate burial and what is included in the charge. (*Note: A price range must be given for this service. Your prices should range from your immediate burial package with container provided by purchaser to your immediate burial package plus your most expensive casket.)
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	APPENDIX I	Our charges include: (*Note: List under each category what the charge includes) <ul style="list-style-type: none"> • Immediate burial with container provided by purchaser • Immediate burial with lowest priced alternative container (*Note: If an alternative container is not offered, this line item may be omitted; if an alternative container is offered, include a brief description.) • Immediate burial with highest priced casket

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C	NC	R	NA	LAW / REGULATION	SECTION VII – DIRECT CREMATION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Price range for direct cremation and what is included in the charge. Note: A price range must be given for a direct cremation. Your prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the highest priced casket acceptable for cremation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	<i>"State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are [specify containers]."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Describe the services included for each category listed below. <ul style="list-style-type: none"> • Direct cremation with container provider by the purchaser • Direct cremation with each alternative container specified in the disclosure (*A price and description for alternative container should be provided) • Direct cremation with highest priced casket acceptable for cremation
C	NC	R	NA	LAW / REGULATION	SECTION VIII - TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Charge and description for transfer of remains to a funeral establishment. (*Note: This is added only when it is <u>not</u> included under professional services. You must explain what this charge includes if listed separately.)
C	NC	R	NA	LAW / REGULATION	SECTION IX - FORWARDING REMAINS TO ANOTHER FUNERAL ESTABLISHMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Charge and description for forwarding remains to another funeral establishment.
C	NC	R	NA	LAW / REGULATION	SECTION X - RECEIVING REMAINS FROM ANOTHER FUNERAL ESTABLISHMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Charge and description for receiving remains from another funeral establishment.
C	NC	R	NA	LAW / REGULATION	SECTION XI - AUTOMOTIVE EQUIPMENT AND SERVICES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-20-630 APPENDIX I	Charge and description for automotive equipment and services (*Note: Specify a range of miles for local service. If a fee is charged beyond local miles, please specify the fee per mile. The cost of any vehicle that you must rent should be included on the itemized statement as a cash advance item.) <ul style="list-style-type: none"> • Use of hearse • Use of limousine • Other automotive equipment and services (*Note: You should provide a description and price for each automotive equipment and service listed.)
C	NC	R	NA	LAW / REGULATION	SECTION XII – FUNERAL MERCHANDISE
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Caskets: Price range and <i>"A complete price list will be provided at the funeral home."</i> (*Note: Statement in italics is not required if prices of individual caskets are listed on the General Price List and not on a separate Casket Price List.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Outer Burial Container: Price range and <i>"A complete price list will be provided at the funeral home."</i> (*Note: Statement in italics is not required if prices of individual outer burial containers are listed on the General Price List and not on a separate Outer Burial Container Price List.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX I	Other Funeral Merchandise: (*Note: List all other merchandise that you offer including acknowledgment cards, register book, memorial folders, etc. and include the price.)
C	NC	R	NA	LAW / REGULATION	CASKET PRICE LIST OUTER BURIAL CONTAINER PRICE LIST (If not included in the general Price List)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Effective date of Casket Price List
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Effective date of Outer Burial Container Price List
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Name, address & telephone number of funeral establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Caption identifying price list as casket or Outer Burial Container Price list.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Price Lists include manufacturer, price of casket, and sufficient information to describe the casket, alternative container, or outer burial container.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX II	Outer Burial Price Container List includes the statement: <i>State or local law does not require you to buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.</i> NOTE: If the funeral home services a locality that has an ordinance requiring an outer burial container in its cemeteries, this disclosure should start with the phrase, <i>"In most areas of the country,"</i> .

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C	NC	R	NA	LAW / REGULATION	ITEMIZED STATEMENT OF FUNERAL GOODS AND SERVICES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Itemized Statement is provided to the party contracting for funeral arrangements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Name, address & telephone number of funeral establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	Itemized Statement is signed by Licensed Funeral Director or Funeral Service Provider and party contracting for funeral arrangements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming that you did not approve if you selected arrangements such as direct cremation or immediate burial. If we charged for embalming, we will explain why below."</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"We charge you for our services in obtaining:" (List each cash advance item. If you do not charge for your services and do not receive a commission or rebate from the third party, you do not have to use this disclosure.)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reason in writing below:"</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	APPENDIX III	<i>"The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty if any, granted by the manufacturer. This Funeral Home makes no warranty, express or implied, with respect to the casket or outer burial container."</i>
C	NC	R	NA	LAW / REGULATION	PRENEED RECORDS - GENERAL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-60	Preneed contracts and reporting documents shall be retained on the premises of the establishment for one year <u>three years</u> after the death of the contract beneficiary.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-60	All preneed records shall be available for inspection by the Department of Health Professions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-70	A contract provider shall keep a chronological or alphabetical listing of all preneed contracts. The listing shall include the following: 1. Name of contract buyer; 2. Name of contract beneficiary; 3. Date of contract; 4. How contract was funded, <u>where the contract is funded, and where the funds are maintained</u> ; 5. Whether up to 10% of funds are retained by the contract provider for contracts funded through trust; and 6. Whether funeral goods and supplies are stored for the contract buyer.
C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-80	In addition to requirements of §54.1-2820 of the Code of Virginia, the contract shall contain the following: 1. The date of the contract; 2. Whether or not the price of the supplies and services purchased is guaranteed; 3. The appointee agreement when applicable; and 4. Signatures of the contract seller and the contract buyer.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820	It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract: 1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style; 2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer; 3. Contains a complete description of the supplies or services purchased; 4. Clearly discloses whether the price of the supplies and services purchased is guaranteed; 5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest; 6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints; 7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B of §54.1-2820; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered, together with any interest or income accrued thereon: if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under 54.1-2822, together with any interest or income accrued thereon; 8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted; 9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee.

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C	NC	R	NA	LAW / REGULATION	PRENEED CONTRACTS (cont.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-200	Supplies & Services: If the contract seller will not be responsible for furnishing the supplies and services to the contract buyer, the contract seller shall attach to the preneed funeral contract a copy of the contract seller's agreement with the contract provider.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820 18VAC65-30-230 18VAC65-30-90	Disclosure Requirements: <ul style="list-style-type: none"> • Complies with all disclosure requirements imposed by the Board. (Question and answer format required.) • Licensees shall receive a written acknowledgment from the contract buyer that the buyer has received a copy of the general price list and preneed disclosure questions and answers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-120	Escrow account: Within five banking days after the day of receipt of any money from the contract buyer and until the time the money is invested in a trust, life insurance, or annuity policy, the contract seller or the contract provider shall deposit the money into an escrow account in a bank or savings institution approved to do business in the Commonwealth.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-130	Real Estate <ol style="list-style-type: none"> 1. The preneed contract shall be recorded as an attachment to the deed whereby the real estate is conveyed; and 2. The deed shall be recorded in the clerk's office in the circuit court of the city or county in which the real estate being conveyed is located.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-140	Personal Property <ol style="list-style-type: none"> 1. Personal property shall be transferred by: <ol style="list-style-type: none"> a. Actual delivery of the personal property; or b. Transfer of the title to the personal property. 2. Within 30 days of receiving the personal property or the title to the personal property, the licensee or person delivering the property shall: <ol style="list-style-type: none"> a. Execute a written declaration of trust setting forth the terms, conditions, and considerations upon which the personal property is delivered; and b. Record the trust agreement in the clerk's office of the circuit court of the locality in which the person delivering the property is living; or c. Record the preneed contract in the clerk's office of the circuit court of the locality in which the person delivering the property or trust agreement is living provided that the preneed contract sets forth the terms, conditions, and considerations of the trust.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§54.1-2820 18VAC65-30-170	States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest. If funds are to be trusted , the following information shall be disclosed in writing to the contract buyer: <ol style="list-style-type: none"> 1. The amount to be trusted; 2. The name of the trustee; 3. The disposition of the interest; 4. The fees, expenses, and taxes which may be deducted from the interest; 5. Whether up to 10% is retained by the contract provider; and 6. A statement of the contract buyer's responsibility for taxes owed on the interest.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18VAC65-30-180	If a life insurance or annuity policy is used to fund the preneed funeral contract, the contract shall contain the following information: <ol style="list-style-type: none"> 1. Name of the contract provider; 2. Name and funeral license number of contract seller; 3. Place of employment of contract seller; 4. Name of insurance agent and agent's insurance license number; 5. Insurance agent's employer and insurance company represented by insurance agent; and 6. Identification as to whether the insurance agent is a funeral service licensee and, if so, the funeral service license number.

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C NC R NA	LAW / REGULATION	<u>INTERNSHIPS</u>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<u>§54.1-2817</u> <u>18VAC65-40-90</u> <u>18VAC65-40-250</u>	Registration with Board <u>Any funeral service, funeral directing, or embalming interns employed by the establishment, and the interns' supervisor(s), are registered with the Board as required by the Board's statutes and regulations.</u>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<u>18VAC65-40-250</u> <u>18VAC65-40-10</u>	Requirements for Supervision <u>Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. "Direct supervision" means that a person licensed for the practice of funeral service professional, funeral directing, or embalming is present and on the premises of the facility.</u>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<u>18VAC65-30-50</u>	Preneed Practice <u>Funeral service interns shall not engage in preneed planning or sales.</u>

Comments:

Attachments:

GPL CPL OBCPL Itemized Statement Preneed list Other

 Signature of Inspector

 Signature & Title of Establishment Representative

This facility has been inspected by an inspector of the Department of Health Professions. The results of the inspection have been noted. I acknowledge that the noted conditions have been deemed by the inspector as not being in compliance and have been explained to me.

Virginia Department of Health Professions

www.dhp.virginia.gov
804-367-4400

Board of Funeral Directors and Embalmers

CREMATORY INSPECTION REPORT

	Date	Time	Inspection Hours	
Name of Crematory	Registration No 0510		Expiration Date	
Street Address	City		State VIRGINIA	ZIP
Crematory Manager				
Name of Funeral Establishment (If Applicable)	License No PENDING 0501		Expiration Date	
Street Address	City		State VIRGINIA	ZIP
Type of Inspection New Routine Reinspection Other (Describe)				
* = New Inspection C = Compliant NC = Not Compliant R = Repeat Citation N/A = Not Applicable or Not Reviewed				

Registration of Crematories					
C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (B)	Every crematory, regardless of how owned, shall have a manager of record who has: <ol style="list-style-type: none"> achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the Board and received training in compliance with standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and bloodborne pathogens.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (D)	All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the Board.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (D)	Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (D)	A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-435 (F)	(New Crematory Applicants) The crematory applicant received Board authorization to conduct a test cremation prior to registration.

Authorization to Cremate

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (A)	A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to §54.1-2825, an agent named in an advance directive pursuant to §54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person or agent is available.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (A)	The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph <u>of the remains</u> signed by the person making the identification.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (A)	The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (A)	In the event visual identification is not feasible, a crematory may use other positive identification of the deceased as a prerequisite for cremation, pursuant to §54.1-2818.1.

Standards for Cremation

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	A crematory shall not cremate the human remains of more than one person simultaneously in the same retort, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.

Refrigeration and Handling of Human Remains

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (B)	Whenever a crematory is unable to cremate the remains within 24 hours upon taking custody thereof, the crematory shall maintain the remains in refrigeration at approximately 40 degrees Fahrenheit or less, unless the remains have been embalmed.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-581	If a dead human body is to be in the possession of a funeral establishment or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains. The mechanical refrigeration unit may be located in the funeral establishment or crematory or the funeral home or crematory can enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration. (Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	A cremation container shall substantially meet all the following standards: <ul style="list-style-type: none"> a. Be composed of readily combustible materials suitable for cremation b. Be able to be closed in order to provide complete covering for the human remains c. Be resistant to leakage or spillage d. Be rigid enough for handling with ease

Refrigeration and Handling of Human Remains (cont.)

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	No crematory shall require that human remains be placed in a casket before cremation nor shall it require that the cremains be placed in a cremation urn, cremation vault or receptacle designed to permanently encase the cremains after cremation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	Cremated remains shall be placed in a plastic bag inside a rigid container provided by the crematory or by the next-of-kin for return to the funeral establishment or to the next-of-kin.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next-of-kin so authorized in writing.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	The crematory operator shall verify the identification on the remains with the identification attached to the cremation container and with the identification attached to the cremation authorization.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (C)	The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

Recordkeeping

C	NC	R	NA	LAW /REGULATION	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (D)	A crematory shall maintain the records of cremation for a period of three years from the date of the cremation that indicate the name of the decedent, the date and time of the receipt of the body, and the date and time of the cremation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65-20-436 (D)	<p>Cremation records shall include:</p> <ol style="list-style-type: none"> 1. The cremation authorization form signed by the person authorized by law to dispose of the remains and the form on which the next-of-kin or the person authorized by §54.1-2818.1 to make the identification has made a visual identification of the deceased or evidence of positive identification, if visual identification is not feasible 2. The permission form from the medical examiner 3. The DEQ permit number of the retort used for the cremation and the name of the retort operator 4. The form verifying the release of the cremains, including date and time of release, the name of the person and the entity to whom the cremains were released and the name of the decedent

Comments

Signature of Inspector

Signature & Title of Facility Representative

This facility has been inspected by an inspector of the Department of Health Professions. The results of the inspection have been noted. I acknowledge that the noted conditions have been deemed by the inspector as not being in compliance have been explained to me and that I have received a copy of the inspection report.

Consideration of Additional
Guidance – Documentation of
Express Permission for Embalming

18 VAC 65-20-510

Virginia Board of Funeral Directors and Embalmers

Question: For purposes of documenting express permission or authorization to embalm, what constitutes “a specific and separate statement on a document or contract provided by the funeral establishment”?

Discussion:

The Board’s regulation, 18VAC65-20-510(A), provides the following with regard to written authorization to embalm:

A. In accordance with the provisions of subdivision 26 of § 54.1-2806 and subsection B of § 54.1-2811.1 of the Code of Virginia, express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal authorization to embalm, provided it is followed as soon as possible by a written document or statement signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.

(18VAC65-20-510 (A).)

The Board’s requirement of “a specific and separate statement on a document or contract” is intended to emphasize the importance of having a clear and unambiguous authorization statement located in an area that can be easily read by the consumer and distinguished from other aspects of the document or contract. The authorization language should not be buried in or hidden in the text of a document, such as a removal form or itemized statement. While a separate authorization document is not required, some establishments have opted to use a specific and separate authorization document to meet this requirement.

Virginia Board of Funeral Directors and Embalmers

Question: For purposes of conducting a test cremation to ensure the proper operation of crematory equipment, can a crematory applicant cremate more than one body?

Discussion:

The Board's regulation, 18VAC65-20-435(F) provides the following with regard to conduct of a test cremation:

When a crematory application is pending and the conduct of a cremation is necessary to ensure the proper function of retort equipment, the board may authorize the crematory to conduct a test cremation prior to registration. Once the crematory equipment is deemed functional and an initial crematory inspection is completed, the board may issue the crematory a registration to operate.

(18VAC65-20-435(F).)

The Board interprets this provision to mean that the Board may authorize a test cremation in the singular, meaning one body, prior to registration for the crematory applicant to ensure proper the function of retort equipment.