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**Call to Order – Kenneth Scott Hickey, M.D., Board President**

- Welcome and Introductions
- Mission of the Board
- Emergency Egress Procedures

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**Public Hearing – 9:05 a.m.**

- Public Comment on Proposed Regulations to Replace Emergency Regulations for Licenses for Funeral Directors and Embalmers (18VAC65, Chapters 20, 30, 40)

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**Approval of Minutes (p. 4-16)**

- Board Meeting – October 12, 2021
- Formal Administrative Hearing – October 12, 2021
- For informational purposes – Informal Conferences – November 19, 2021

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**Ordering of Agenda**

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**Public Comment**

*The Board will receive public comment 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.*

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**Agency Report**

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**Presentation – Update on the EDRS System – Janet Rainey, State Registrar, Office of Vital Records, Virginia Department of Health**

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**Staff Reports**

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director** (p. 29-40)
- Discipline Report – **Kelley Palmatier, Deputy Executive Director**
- Licensing Report – **Sarah Georgen, Licensing and Operations Manager**

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**Board Counsel Report**

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**Legislative and Regulatory Report – Elaine Yeatts, Senior Policy Analyst, and Erin Barrett, Senior Policy Analyst**

- Report on Status of Regulatory Actions (p. 18-20)

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- Legislative Report
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### **New Business**

- Announcement/Recognition
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**Next Meeting** - April 15, 2022

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### **Meeting Adjournment**

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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).

# Approval of Minutes

**October 12, 2021**

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, October 12, 2021 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

R. Thomas Slusser, Jr., FSL, President  
Kenneth Scott Hickey, M.D., Citizen Member, Vice-President  
Jason Graves, FSL, Secretary-Treasurer  
Lacyn Barton, FSL  
Muhammad Hanif, Citizen Member  
Mia F. Mimms, FSL, JD  
Joseph Frank Walton, FSL  
Joseph Michael Williams, FSL

**BOARD MEMBERS ABSENT:**

Blair H. Nelsen, FSL

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

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

**OTHER GUESTS PRESENT**

Tyler Cox, Service Corporation International  
Paul Harris, Regulatory Support Services, Inc.  
Bo Keeney, Association of Independent Funeral Homes of Virginia  
Barry Robinson, Virginia Mortician's Association

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

**CALL TO ORDER**

Mr. Slusser called the meeting to order at 10:04 a.m. and asked the Board members and staff to introduce themselves.

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

Mr. Slusser congratulated Mr. Hanif on his reappointment to the Board and welcomed Ms. Barton to the Board for her first term.

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

Mr. Slusser provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, attendance for continuing education requirements, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

### **APPROVAL OF MINTUES**

Mr. Slusser opened the floor to any edits or corrections regarding the draft minutes for the Board meeting held on July 13, 2021, and formal hearing held on August 24, 2021. Ms. Barton noted a correction to the second paragraph of the report of Licenses for Funeral Directors and Embalmers. Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Graves, the Board approved the meeting minutes from July 13, 2021 as amended. The motion carried (8-0).

### **ORDERING OF THE AGENDA**

Ms. Tillman Wolf stated that Elaine Yeatts was unable to attend the meeting and asked that the agenda be flexible for the arrival of Janet Rainey, State Registrar, Office of the Vital Records, Virginia Department of Health.

Upon a **MOTION** by Mr. Walton, properly seconded by Dr. Williams, the Board voted to accept the agenda as amended. The motion carried (8-0).

### **PUBLIC COMMENT**

There was no public comment.

### **AGENCY REPORT**

Dr. Allison-Bryan provided statistics of the COVID-19 vaccines in the Commonwealth and announced that Virginia was listed number 13 in the nation for vaccinations. Dr. Allison-Bryan provided an update on COVID vaccines and noted that DHP was 80-85% vaccinated.

Dr. Allison-Bryan stated that DHP staff has been able to telework effectively during the pandemic. She said that staff will return to the building on January 3, 2022, but will be offered a more robust telework policy.

Dr. Allison-Bryan thanked Dr. Hickey for his service on the HB2300 Workgroup which reviewed the protocol for treatment and discharge of individuals experiencing a substance use-related emergency.

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

## PRESENTATION

Ms. Tillman Wolf announced that Ms. Rainey was unable to attend the meeting and asked to defer her presentation to the Board to the January meeting.

## STAFF REPORTS

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

Ms. Tillman Wolf offered congratulations to Mr. Hanif and Ms. Barton on their appointments to the Board.

Ms. Tillman Wolf welcomed Lynne Helmick back to the Board on a part-time basis as an Inspections Compliance Specialist.

### *COVID Data*

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

She also reported that the Mass Fatality Task Force had not convened since the last meeting.

### *Board Operations*

Ms. Tillman Wolf provided information to the Board members regarding the continuity of Board operations and telework for Board staff.

### *Licenses for Funeral Directors and Embalmers*

Ms. Tillman Wolf provided an update on licensing operations 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 reported that the Board has received eleven (11) Funeral Director applications, nineteen (19) Funeral Director Intern applications, one (1) Embalmer application, and four (4) Embalmer Intern applications as of September 30, 2021.

### *Board Updates*

Ms. Tillman Wolf provided updates on the Board's e-mail blasts to licensees which included an email on Electronic Death Reporting System (EDRS) Trainings and a notice on the increase in cremation authorization fees through the Office of the Chief Medical Examiner (OCME) effective November 1, 2021.

She also reported on New Board Member Orientation which occurred on October 5, 2021, and agency training opportunities for Board members, including a recent training offered by DHP on the Health Practitioners' Monitoring Program (HPMP) on for October 6, 2021.

*Updates – International Conference*

Ms. Tillman Wolf reported that the International Conference has announced their 2022 Annual Meeting, which would occur from February 23-24, 2022 in Houston, Texas. She stated that Virginia would be provided with one Delegate Grant to fund attendance of one Board or staff member. She reminded Board members that travel would need to be preapproved.

Ms. Tillman Wolf stated that the International Conference will convene a volunteer committee on Job Task Analysis. She asked Board members to contact her with any interest in participating.

*Exam Statistics*

Ms. Tillman Wolf reported on the following Exam Statistics:

National Board Exam – NBE (first time test takers)

- Calendar Year 2020
  - Arts – 76.7% pass rate (National = 73%)
  - Sciences – 54.5% pass rate (National = 64%)
- Calendar Year 2021 (YTD)
  - Arts – 66.7% pass rate (National = 71%)
  - Sciences – 54.1% pass rate (National = 59%)

Laws, Rules, and Regulations (LRR) (first time test takers)

- Calendar Year 2020 – 91.7% pass rate
- Calendar Year 2021 – 94.4% pass rate

*Expenditure and Revenue Summary as of June 30, 2021*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2021.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$721,065
<u>Less FY21 Direct &amp; In-Direct Expenditures</u>	<u>\$629,658</u>
<b>Cash Balance as of June 30, 2021</b>	<b>\$848,630</b>

*2022 Board Meeting Dates*

Ms. Tillman Wolf announced the upcoming 2022 Board meeting dates.

- January 28, 2022
- April 15, 2022
- July 15, 2022
- October 21, 2022 (tentative)

Ms. Tillman Wolf thanked members for all they do in support of the Board.

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

***Discipline Report – Kelley Palmatier, JD, Deputy Executive Director***

As of October 8, 2021, Ms. Palmatier reported the following disciplinary statistics:

- 56 Patient Care Cases
  - 0 at Informal
  - 1 at Formal
  - 23 at Enforcement
  - 31 at Probable Cause
  - 1 at APD
- 13 Non Patient Care Cases
  - 1 at Informal
  - 1 at Formal
  - 4 at Enforcement
  - 7 at Probable Cause
  - 0 at APD
- 18 at Compliance

Ms. Palmatier stated that the Clearance Rate was 35% (Goal is 100%) – 17 cases received, 6 cases closed. Ms. Palmatier stated that the caseload over 250 days was 20% (Goal under 20%) with 11 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 7% with 4 cases pending over 415 days. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 67% with 4 cases closed. She reported cases closed within 415 days is 100% with 6 cases closed.

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

- Q4 2019 – 10/16
- Q1 2020 – 20/20
- Q2 2020 – 35/21
- Q3 2020 – 17/30
- Q4 2020 – 16/13
- Q1 2021 – 15/18
- Q2 2021 – 12/12
- Q3 2021 – 20/22
- Q4 2021 – 22/10

Percentage of all cases closed in 365 days

	Q3-20	Q4-20	Q1-21	Q2-21	Q3-21	Q4-21
FDE	68.1%	88.9%	75.8%	87%	51.4%	69.2%
Agency	74.3%	75.8%	70.1%	64%	71.1%	68.8%

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*

<b>License</b>	<b>October 6, 2021</b>	<b>July 8, 2021</b>	<b>Difference (+/-)</b>
Funeral Service Licensees	<b>1,549</b>	1,526	23
Funeral Director	<b>33</b>	31	2
Embalmer Only	<b>2</b>	2	0
Supervisors	<b>560</b>	548	12
Funeral Service Interns	<b>229</b>	213	16
Funeral Directing Interns	<b>12</b>	5	7
Embalmer Interns	<b>0</b>	1	-1
Funeral Establishments	<b>420</b>	417	3
Branch Establishments	<b>85</b>	86	1
Crematories	<b>119</b>	117	2
CE Providers	<b>9</b>	8	1
Courtesy Card Holders	<b>118</b>	112	6
Surface Transport & Removal Svc.	<b>53</b>	52	1
<b>Total (*not incl. supervisors)</b>	<b>2,629</b>	2,570	59

*Customer Satisfaction*

Ms. Georgen reported on the customer satisfaction statistics for Quarter 4 2021 as 95.2%. She thanked Ms. Wright for her excellent customer service and processing of applications. Ms. Georgen read the recent feedback from applicants as provided on the Customer Service Satisfaction survey.

With no questions, Ms. Georgen concluded her report.

**BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General**

Ms. Barrett provided an update on a pending court case involving the Board.

**LEGISLATION AND REGULATORY ACTIONS**

*Report on Status of Regulations*

Ms. Tillman Wolf provided an update on the regulatory actions in process.

She reported that the proposed regulations to replace the emergency regulations were currently at the Secretary's Office.

She reported that the final Regulations for the Funeral Service Internship Program (Chapter 40) would be voted on later in the agenda.

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

## **BOARD DISCUSSIONS AND ACTIONS**

### ***Adoption of Electronic Meeting Policy***

Ms. Tillman Wolf provided an overview of the proposed Electronic Meeting Policy.

The Board discussed the Electronic Meeting Policy.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Mimms, the Board voted to adopt the Electronic Meeting Policy as presented. The motion carried (8-0).

### ***Adoption of Final Regulations from Periodic Review for the Funeral Service Internship Program (18VAC65-40-10 et seq.)***

Ms. Tillman Wolf provided an overview of the final regulations from the Periodic Review for the Funeral Service Internship Program (18VAC65-40-10 et seq.).

Upon a **MOTION** by Ms. Mimms, properly seconded by Ms. Barton, the Board voted to adopt the final regulations from the Periodic Review for the Funeral Service internship program (18VAC65-40-10 et seq.) as presented. The motion carried unanimously (8-0).

### ***Revision to Guidance Document 65-12, Board action on Confidential Consent Agreements***

Ms. Tillman Wolf provided an overview of the proposed staff revisions for Guidance Document 65-12 titled "Board action on Confidential Consent Agreements."

Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Graves, the Board voted to approve the revision to Guidance Document 65-12, Board Action on Confidential Consent Agreements, as presented. The motion carried unanimously (8-0).

### ***Reaffirm of Guidance Documents 65-16, Procedures for Auditing Continuing Education and 65-19, Identification of Funeral Service Interns***

Ms. Tillman Wolf provided an overview of Guidance Document 65-16 titled "Procedures for Auditing Continuing Education" and Guidance Document 65-19 titled "Identification of Funeral Service Interns."

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to reaffirm Guidance Document 65-16 titled “Procedures for Auditing Continuing Education” and Guidance Document 65-19 titled “Identification of Funeral Service Interns,” as presented. The motion carried unanimously (8-0).

***Repeal of Documents as Board Guidance Documents 65-5, Reciprocal agreement with the District of Columbia Board of Funeral Directors and 65-6, Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors***

Ms. Tillman Wolf provided an overview of the repeal of Guidance Documents 65-5, Reciprocal agreement with the District of Columbia Board of Funeral Directors and 65-6, Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors. Ms. Tillman Wolf noted that the request of the Board was to remove these documents as Board Guidance Documents, but that the agreements themselves would remain as active Board agreements.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to repeal as a Board Guidance Document the Memorandum of Understanding labeled as Guidance Document 65-5 titled “Reciprocal agreement with the District of Columbia Board of Funeral Directors” and Guidance Document 65-6 titled “Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors” as presented. The motion carried unanimously (8-0).

***Motion and Adoption of Guidance Document 65-20, Department of Treasury Unclaimed Property Audit and Preneed Contracts***

Ms. Barrett provided an overview of a recent issue raised by the Department of Treasury, Division of Unclaimed Property, related to unclaimed preneed contracts for individuals who are presumed to be long-deceased. Ms. Barrett outlined the proposed Guidance Document 65-20 titled “Department of Treasury Unclaimed Property Audit and Preneed Contracts.”

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Graves, the Board moved that, in the event the Division of Unclaimed Property determines that a licensee holds unfulfilled preneed contracts and requests that the licensee transfer those contract proceeds to the Division as part of a Department of Treasury initiative, such transfer will not be viewed by the Board as a violation of Virginia Code §§ 54.1-2806(B)(2), 54.1-2806(B)(3), or any of the provisions contained in 18VAC65-30. The motion carried unanimously (8-0).

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Graves, the Board voted to adopt Guidance Document 65-20, Department of Treasury Unclaimed Property Audit and Preneed Contracts as presented. The motion carried unanimously (8-0).

**BREAK**

The Board took a break at 11:20 a.m. and returned at 11:34 a.m.

**ELECTIONS**

Mr. Slusser stated that in accordance with the Bylaws, during the first meeting of the organizational year, the Board shall elect from its members a President, Vice-President, and Secretary-Treasurer.

Mr. Slusser provided remarks regarding the process for making additional floor nominations.

Mr. Slusser opened the floor for nominations for President of the Board of Funeral Directors and Embalmers. Mr. Williams nominated Dr. Hickey for the position of President, which nomination was seconded by Mr. Walton. The nominations were closed.

Mr. Slusser called for a voice vote for the election of the one nominee, Dr. Hickey, for the position of President of the Board of Funeral Directors and Embalmers. By unanimous vote of 8-0, Dr. Hickey was elected as President of the Board of Funeral Directors and Embalmers.

Mr. Slusser opened the floor for nominations for Vice-President of the Board of Funeral Directors and Embalmers. Mr. Williams nominated Mr. Graves for the position of Vice-President, which nomination was seconded by Mr. Walton. The nominations were closed.

Mr. Slusser called for a voice vote for the election of the one nominee, Mr. Graves, for the position of Vice-President of the Board of Funeral Directors and Embalmers. By unanimous vote of 8-0, Mr. Graves was elected as Vice-President of the Board of Funeral Directors and Embalmers.

Mr. Slusser opened the floor for nominations for Secretary-Treasurer of the Board of Funeral Directors and Embalmers. Ms. Mimms nominated Mr. Williams for the position of Secretary-Treasurer. Ms. Barton nominated Mr. Hanif for the position of Secretary-Treasurer. The nominations were closed.

Mr. Slusser called for a voice vote for the election of the nominees, Mr. Williams and Mr. Hanif, for the position of Secretary-Treasurer of the Board of Funeral Directors and Embalmers. By vote of 6-2, Mr. Williams was elected as Secretary-Treasurer of the Board of Funeral Directors and Embalmers.

## **NEXT MEETING**

The next meeting date is January 28, 2022.

## **ADJOURNMENT**

Mr. Slusser thanked Board staff for their support and help during his time as President of the Board.

With all business concluded, the meeting adjourned at 11:41 a.m.

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Corie Tillman Wolf, J.D., Executive Director

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Date

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

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**October 12, 2021**

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

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**CALL TO ORDER:** The formal hearing of the Board was called to order at 2:19 p.m.

**MEMBERS PRESENT:** R. Thomas Slusser, Jr., FSL, President, (Chair)  
Kenneth “Scott” Hickey, M.D., Vice President  
Jason Graves, FSL, Secretary-Treasurer  
Joseph Frank Walton, FSL  
Mia Mimms, FSL  
Joseph Michael Williams, FSL  
Lacyn Barton, FSL  
Muhammad Hanif, Citizen Member

**BOARD COUNSEL:** Erin L. Barrett, Assistant Attorney General

**DHP STAFF PRESENT:** Corie Tillman Wolf, Executive Director  
Sarah Georgen, Licensing and Operations Manager

**COURT REPORTER:** Able Forces Court Reporters

**PARTIES ON BEHALF OF COMMONWEALTH:** Claire Foley, Adjudication Specialist

**COMMONWEALTH’S WITNESSES:** Shawn Baker  
Ron Houser, Senior Inspector, DHP

**OTHERS PRESENT:** Angela Pearson  
Gary Pond  
Gayle Miller  
Robert B. Baker, III  
Nadia Baker  
Molly Newton

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

**ESTABLISHMENT OF A QUORUM:**

With eight (8) members present, a quorum was established.

**DISCUSSION:**

Ms. Baker appeared before the Board in accordance with the Notice of Formal Hearing dated July 13, 2021. Ms. Baker was represented by counsel, Michael L. Daniels, Esquire.

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

**CLOSED SESSION:**

Upon a motion by Dr. Scott Hickey and duly seconded by Muhammad Hanif, 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 Tyra La’Nise Baker, FSL. Additionally, he moved that Ms. Barrett, Ms. Tillman Wolf 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, the Board reconvened in open session.

**DECISION:**

Upon a motion by Dr. Scott Hickey and duly seconded by Frank Walton, the Board moved to suspend the license of Tyra La’Nise Baker for a period of 6 months and imposed a monetary penalty. The motion carried.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Board adjourned at 4:13 p.m.

For the Board:

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Corie Tillman Wolf, JD, Executive Director

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Date

Unapproved

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

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**November 19, 2021**

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

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**CALL TO ORDER:**

A Special Conference Committee of the Board was called to order at 9:33 a.m.

**MEMBERS PRESENT:**

Blair Nelsen, FSL, Chair  
Muhammad Hanif, Citizen Member

**DHP STAFF PRESENT:**

Kelley Palmatier, Deputy Executive Director  
Angela Pearson, Senior Discipline Manager  
Claire Foley, Administrative Proceedings Division

**OTHERS PRESENT:**

Gerald Sellers

**MATTER:**

**Tyler Andrew Haynie, Funeral Service Intern  
Applicant  
Registration No.: 0505-009348  
Case Number: 212515**

**DISCUSSION:**

Mr. Haynie appeared before the Committee in accordance with the Board's Notice of Informal Conference dated September 14, 2021

The Committee fully discussed the allegations as referenced in the September 14, 2021 Notice of Informal Conference with Mr. Haynie.

**CLOSED SESSION:**

Upon a motion by Muhammad Hanif and duly seconded by Blair Nelsen, 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 Tyler Andrew Haynie, Funeral Service Intern Applicant. 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 Muhammad Hanif and duly seconded by Blair Nelsen, the Committee voted and ordered that Mr. Haynie's application for new internship is granted contingent upon passage of the NBE Arts Exam. The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 9:57 a.m.

\_\_\_\_\_  
Blair Nelsen, FSL Chair

\_\_\_\_\_  
Corie Tillman Wolf, JD, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





# Legislative/Regulatory Report

## Report on Regulatory Actions (as of January 7, 2022)

<b>Board of Funeral Directors and Embalmers</b>		
Chapter	Action / Stage Information	
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Licenses for funeral directors and embalmers</u> [Action 5635] – replacement of emergency regulations for separate licenses  <b>Proposed</b> - Register Date: 1/3/22 Comment ends: 3/4/22
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<u>Periodic review 2019</u> [Action 5221]  <b>Final</b> - Register Date: 1/31/22 Effective: 3/3/22

### Text of Regulations that will be effective 3/3/22

#### **18VAC65-40-90 Renewal of registration**

- A. The funeral service 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 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. Renewal notices may be mailed or sent electronically.

#### **18VAC65-40-110 Reinstatement Renewal or reinstatement of expired registration**

- A. A funeral service intern whose registration has expired may be ~~reinstated~~ renewed within one year following expiration by payment of the current renewal fee and the late renewal fee.
- B. A funeral service 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 internship**

- A. The internship 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~~ The board may grant an extension of time for completion of an internship only for extenuating circumstances.
- 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 service intern shall be identified to the public as a funeral service intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

**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 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.

B. The board may grant approval for ~~a resident trainee~~ an 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 as a funeral service licensee, funeral director, or embalmer and are employed full time in or under contract with the establishment, facility, or institution where training occurs. The board will not approve registration of a supervisor who has been subject to board disciplinary action within the most recent two years.

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. A supervisor shall ensure that a funeral service intern receives training under the direct supervision of a licensee who has a current license in good standing.

D. A supervisor shall register with the board for each funeral service intern for whom the supervisor is providing supervision. Such registration shall expire 48 months after registration or at the completion of the intern's training, whichever occurs first. If the intern has been granted an extension beyond 48 months for extenuating circumstances, the supervisor may continue to provide supervision for a time period specified by the board.

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

~~E. F.~~ 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.

G. No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing, or embalming.

**18VAC65-40-280 Supervisor application package**

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

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

**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 intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to ~~conduct all necessary arrangements for~~ assist in conducting 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 intern under direct supervision to ~~perform~~ assist in the performance of a minimum of 25 embalmings.

E. The supervisor shall provide the 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 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.