

April 16, 2024

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, April 16, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, President
S. Jonathan Hines, FSL, Secretary-Treasurer
K. Scott Hickey, MD
Mia F. Mimms, FSL, JD
R. Thomas Slusser, FSL
J. Michael Williams, FSL
Eric Wray, II, FSL

BOARD MEMBERS NOT PRESENT:

Lacyn Barton, FSL, Vice-President
Muhammad Hanif, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Director of Legislative and Regulatory Affairs
Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Arne Owens, Agency Director
Melanie Pagano, Deputy Executive Director
Matt Novak, Policy and Economic Analyst
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Virginia Funeral Directors Association
Mary Church, DHP Inspector
Paul Harris, Regulatory Support Services
Laura McHale, Association of Independent Funeral Homes of Virginia/Keeney Group
Barry Robinson, Virginia Morticians' Association

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

CALL TO ORDER

Mr. Graves called the meeting to order at 9:05 a.m. and asked the Board Members and staff to introduce themselves.

Mr. Graves welcomed Dr. Hickey as a new Board Member.

With six Board Members present at the meeting, a quorum was established.

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

Mr. Graves reminded the Board Members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board Meeting and Formal Hearing held on October 12, 2023.

Ms. Tillman Wolf noted a header date and time edit to the Board Meeting minutes on October 12, 2023.

Upon a **MOTION** by Mr. Slusser, properly seconded by Ms. Mimms, the Board voted to approve the Board Meeting minutes as amended and the Formal Hearing minutes as presented. The motion carried (6-0).

ORDERING OF THE AGENDA

Mr. Graves opened the floor to any additional items to add to the agenda.

Upon a **MOTION** by Dr. Hickey, properly seconded by Mr. Slusser, the Board voted to accept the agenda as presented. The motion carried (6-0).

PUBLIC COMMENT

Mr. Robinson, Virginia Morticians' Association (VMA), announced the VMA Annual Convention will occur on June 19-22, 2024, in Short Pump, Virginia. He stated that he looks forward to continuing to work with the Board.

AGENCY REPORT

Mr. Owens thanked the Board Members for their service and contribution to the profession.

Mr. Owens spoke about the successful 2024 General Assembly Session. He stated that the General Assembly is scheduled to return to session soon regarding the state budget and that more information would be provided at the next meeting.

Mr. Owens provided a brief overview of the DHP Business Process Re-engineering initiative. He stated that DHP had hired a vendor to review the licensing process to determine if there are any areas of improvement and to review the efficiency of time to complete an application once received.

Mr. Owens provided information regarding the transition of DHP management. He welcomed Dr. Sarah Rogers as the new Enforcement Director. He reported that Diane Powers, Director of Communications, had retired effective April 1, 2024. Mr. Owens also reported that Lisa Hahn, Chief Operating Officer, would retire effective July 1, 2024, and that Jay Douglas, Executive Director for the Board of Nursing, would retire effective September 1, 2024. He stated that he anticipates a seamless transition of these positions.

Mr. Owens thanked Ms. Tillman Wolf for her continued hard work with the Board.

With no questions, Mr. Owens concluded his report.

Mr. Wray arrived at 9:17 a.m., reflecting a continued quorum with seven Board Members present.

STAFF REPORTS

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

Board Updates

Ms. Tillman Wolf welcomed Dr. Hickey to the Board as a newly appointed Board Member for his second time as a citizen member on the Board.

Ms. Tillman Wolf provided Board updates from the previous business meeting in January. The 2024 license renewal cycle has been completed. Board staff are reviewing and planning for implementation of legislation from the 2024 General Assembly Session. Board members and staff continue to provide trainings for the associations as requested, with upcoming requests for training on Laws and Regulations and Preneed.

Ms. Tillman Wolf noted the Board will convene a Regulatory Advisory Panel meeting in July and an Examination Committee meeting in August or September 2024.

Inspections Updates

Ms. Tillman Wolf announced that Ms. Helmick, Inspections Compliance Specialist for the Board, re-retired from DHP in March 2024. She also stated that the Enforcement Division has had a staff transition with inspectors and is currently hiring for inspector vacancies. She noted that there may be some lag in processing routine inspections, but that new and change inspections are being completed as normal. Staff from the Enforcement Division will provide an update at the next meeting.

International Conference Updates

Ms. Tillman Wolf provided an update regarding the Annual Meeting of the International Conference of Funeral Service Examining Boards held on February 27-29, 2024. She noted that Board Members, Ms. Barton and Mr. Wray, along with Ms. Pagano and herself as staff members attended the meeting.

She announced that Ms. Barton was installed as Vice Chair of the Board of Directors. Ms. Tillman Wolf spoke to the discussion and education sessions provided at the meeting.

Ms. Tillman Wolf provided additional updates from the International Conference, including information on enhanced resources for examination candidates, upcoming volunteer opportunities for licensees and Board Members, educational webinars in 2024, and an infographic of information provided in the agenda packet.

Federal Trade Commission (FTC) Information from Annual Meeting

Ms. Tillman Wolf highlighted recent information provided by the FTC at the International Conference Annual Meeting, including information on a recent national FTC sweep with telephone and in-person inquiries, the FTC's update on the recent settlement order with Legacy Cremation Services (dba Heritage Cremation Provider), and the status of the FTC's review of the Funeral Rule.

Federal Emergency Management Agency (FEMA) Funeral Assistance

Ms. Tillman Wolf reported on the continued FEMA funeral assistance until September 30, 2025, offered to families who have lost loved ones to COVID (deaths reported after January 20, 2020). Additionally, she reported on Virginia awarded assistance as of January 1, 2024, averaging \$6,590 per award and reported that Virginia had awarded 11,853 applicants with assistance of the 14,178 applications received.

2024 Board Meetings

Ms. Tillman Wolf announced the remaining 2024 Board meeting schedule.

- July 16, 2024
- October 10, 2024

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

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

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

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| • Q4 2021 – 22/10 | • Q2 2023 – 10/21 |
| • Q1 2022 – 19/18 | • Q3 2023 – 11/13 |
| • Q2 2022 – 19/12 | • Q4 2023 – 27/11 |
| • Q3 2022 – 24/22 | • Q1 2024 – 24/22 |
| • Q4 2022 – 28/21 | • Q2 2024 – 23/32 |
| • Q1 2023 – 5/23 | |

As of February 29, 2024, Ms. Pagano reported the following disciplinary statistics:

- 15 Patient Care Cases
 - 4 at Informal
 - 4 at Formal
 - 0 at Enforcement
 - 5 at Probable Cause

- 2 at APD
- 64 Non-Patient Care Cases
 - 2 at Informal
 - 1 at Formal
 - 20 at Enforcement
 - 37 at Probable Cause
 - 4 at APD
- 17 at Compliance

Ms. Pagano announced that the process of compiling case documentation for probable cause review has been updated and will now support the integration of case information into one sequential document for ease of use.

With no questions, Ms. Pagano concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics and trends in license count.

License	December 31, 2023 (Q2 2024)	March 31, 2024 (Q3 2024)	Difference (+/-)
Funeral Service Licensees	1,596	1,618	+22
Funeral Director	49	54	+5
Embalmer Only	5	5	0
Supervisors	617	280	-337
Funeral Service Interns	233	236	+3
Funeral Directing Interns	40	42	+2
Embalmer Interns	2	3	+1
Funeral Establishments	425	428	+3
Branch Establishments	88	89	+1
Crematories	138	138	0
CE Providers	11	12	+1
Courtesy Card Holders	137	140	+3
Surface Transport & Removal Svc.	49	52	+3

Total (*not incl. supervisors)	2,773	2,817	+44
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Ms. Georgen spoke to the change in the number of Funeral Supervisors between Q2 2024 and Q3 2024. She stated that on January 19, 2024, 347 Supervisors were deactivated, due to the change in the Board regulations that became effective March 3, 2022, that required registration of supervisors for each intern supervised and established an expiration date for supervisor registrations.

The noted 347 Supervisors did not have an active intern under their supervision at that point in time; therefore, their designation was deactivated and listed as expired. The change of status did not impact their ability to register or provide supervision to a funeral intern in the future. It only adjusted to account for those that were actively providing supervision and provided a more accurate number of Funeral Supervisors in Virginia.

Ms. Georgen reviewed the trends of licensure counts since Q3 – 2020.

License Renewals

Ms. Georgen reported on the licensure renewal notifications for licenses that expired on March 31, 2024.

Ms. Georgen presented licensure renewal statistics for 2024.

Ms. Georgen reported that the Board conducted a review of initial responses to the required renewal questions on the renewal application in which the licensee stated that they had not completed the 2024 renewal requirements. Fifteen licensees answered “no” to at least one renewal question. She reported that board staff was processing responses to these questions and would refer any necessary licensees for disciplinary review, if needed.

2024 Renewals – Continuing Education (CE) Providers

Ms. Georgen reported on the upcoming licensure renewal notifications for CE Providers that are scheduled to expire on July 1, 2024.

Updates

Ms. Georgen reported on application updates implemented in January 2024, including licensure bots, an online Funeral Supervisor Registration, new application for reactivation, and the ability for applicants to upload documentation directly upon applying.

Ms. Georgen also spoke to the website redesign that was completed in January 2024.

Mr. Slusser inquired about the process for auditing continuing education for the requirement of at least one hour of continuing education in preneed funeral arrangements completed within the last three years. Ms. Georgen stated that a process will be implemented to keep the audit process as streamlined as possible.

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

BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General

Mr. Saunders provided an update on the dismissal of one court case involving the Board.

With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the Annual Meeting of the International Conference of Funeral Service Examining Boards – Eric Wray, II, FSL

Mr. Wray reported on Annual Meeting of The International Conference of Funeral Service Examining Boards (The Conference) including information on a presentation by the Federal Trade Commission, unlicensed activity, and human composting. He thanked Ms. Tillman Wolf and the Board for the opportunity to attend the meeting.

With no questions, Mr. Wray concluded his report.

BREAK

The Board took a break at 9:44 a.m. and returned at 9:51 a.m.

LEGISLATIVE AND REGULATORY REPORT

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

Ms. Barrett provided a brief overview of legislation from the 2024 General Assembly.

Mr. Wray requested clarification on SB 281, “Family cemeteries; interment rights, proof of kinship.” Ms. Barrett provided additional information regarding her interpretation of the intent of the bill and outcome.

Mr. Wray requested clarification on HB 652, “Funeral arrangements; next of kin, proof of designated person to make funeral arrangements.” For specific case-by-case questions related to interpretation of the hierarchy of next of kin or who would have the authority to make arrangements, Ms. Barrett stated that those practice-based questions would be appropriate for practitioners to raise with their own legal counsel; the Board could not provide individualized practice advice or legal interpretation.

Ms. Barrett provided an update on pending regulatory actions.

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

BOARD DISCUSSION AND ACTIONS

Reclassification of Guidance Documents as Policy Documents

Ms. Barrett provided an overview of the possible reclassification of guidance documents as policy documents. For the Board’s consideration, she reviewed Guidance Document 65-3, “Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement,” Guidance Document 65-10, “By-Laws of the Board,” Guidance Document 65-14, “Sanctioning Reference Points Instruction Manual,” Guidance Document 65-16, “Procedures for Auditing Continuing Education,” Guidance Document 65-17, “Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections.”

Upon a **MOTION** by Ms. Mimms, properly seconded by Mr. Williams, the Board voted to submit Guidance Documents 65-3, 65-10, 65-14, 65-16, and 65-17 to Board Counsel for review as possible policy documents and recommendation to the Board President, as presented. The motion passed unanimously (7-0).

BOARD MEMBER RECOGNITION

Mr. Graves recognized Ms. Mimms for her service and dedication to the Board of Funeral Directors and Embalmers from 2016 to 2024. He announced that her second term would expire on June 30, 2024, and provided brief remarks on her incumbency. Mr. Graves presented Ms. Mimms with a plaque to recognize her service.

NEXT MEETING

The next meeting date is July 16, 2024.

ADDITIONAL COMMENTS

Mr. Graves stated that the Board would convene three formal hearings beginning at 11:00 a.m. He requested the participation of all Board Members, apart from Ms. Mimms, who was excused from the first hearing only, and Mr. Slusser and Dr. Hickey, who were both excused from the second two hearings.

ADJOURNMENT

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 10:15 a.m.

Corie Tillman Wolf, J.D., Executive Director

Date