

Virginia Board of Funeral Directors and Embalmers

Initiating Disciplinary Action Against Funeral Homes for Failing to Respond to Inspection Deficiencies

1. Board staff reviews all inspection reports and responses to deficiencies cited during the inspections
 - a. Licensees are given information at the time of inspection that they are to respond to the deficiencies within 14 days of the inspection.
 - b. Board staff tracks receipt of the inspection reports and the deficiency corrections.
2. If the licensee fails to respond within 14 days of the inspection
 - a. Board staff will send a certified letter to the Manager of Record's (MOR) address of record. A copy of the letter will be mailed to the establishment's address of record. The letter will include a new response deadline date, which will be 14 days after the date of the letter.
 - b. Board staff may initiate disciplinary action against the funeral home if there is no response.
 - c. A Pre-hearing Consent Order based on the following guidelines may be sent to the MOR:
 - i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for each citation of deficiency.
 - ii. The funeral home must submit acceptable corrective action within sixty days of the date of the Order.
 - d. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.
3. If the licensee responds with unacceptable corrective action
 - a. A letter will be sent to the MOR's address of record specifying the issues noted with the corrective action. The letter will include a new due date for additional corrections, which will be 14 days after the date of the letter.
 - b. If the funeral home fails to respond with new corrections within the new deadline, a certified letter will be sent to the MOR's address of record, with a copy sent to the establishment's address of record.
 - c. A Pre-hearing Consent Order based on the following guidelines will be sent to the MOR:
 - i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for every citation not addressed.
 - ii. The funeral home must submit acceptable corrective action within sixty days of the date of the Order.

- d. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.
4. If the licensee has been previously disciplined for failing to respond to inspection citations of deficiencies, the matter may be referred to the Special Conference Committee.
5. Nothing in this Guidance Document prevents the Board from taking disciplinary action against the Manager of Record.