

## Virginia Board of Funeral Directors and Embalmers

### Procedures for Auditing Continued Competency Requirements

The Board of Funeral Directors and Embalmers may audit a random sample of licensees to investigate compliance with the Board's continuing competency requirements. The Board may also audit active licensees who, by terms of a Confidential Consent Agreement ("CCA") or a Pre-Hearing Consent Order ("PHCO"), are required to take continuing education ("CE") courses in addition to the continued competency requirements for renewal of a license.

1. Board staff reviews each audit report and either:
  - a. Sends an acknowledgement letter of fulfillment of the continuing competency requirements, or
  - b. Opens a case for probable cause.
2. Once a case is opened for probable cause, Board staff may:
  - a. Issue a CCA if the licensee was truthful in responding to the renewal attestation and the licensee has not previously been found in violation of the CE requirements. For those licensees who fail to meet the CE requirements, the CCA may require the licensee to submit proof of completion of the missing contact hours(s) within 90 days of the effective date of the CCA. Such contact hours cannot be used toward fulfillment of the next annual CE requirement for renewal; or
  - b. Issue a PHCO if the licensee was not truthful in responding to the renewal attestation or if the licensee has previously been found in violation of CE requirements. The following sanctions may apply:
    - (i) Monetary Penalty of \$100 per missing contact hour;
    - (ii) Monetary Penalty of \$300 for a fraudulent renewal certification; and
    - (iii) Submission of proof of completion of the missing contact hour(s) within 90 days of Order entry. These contact hours cannot be used toward the next biennial requirement for renewal.
3. The case will be referred to an informal fact-finding conference if the licensee:
  - a. Fails to respond to the audit or does not wish to sign the CCA or PHCO that is offered; or
  - b. Has previously been disciplined pursuant to a Board Order for not meeting the CE requirements.