

**Department of Health Professions
Board of Health Professions
REGULATORY RESEARCH COMMITTEE
April 9, 2015**

- TIME AND PLACE:** The meeting was called to order at 10:07 a.m. on Thursday, April 9, 2015, Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, VA, 23233.
- PRESIDING OFFICER:** Virginia Van de Water, Chair
- MEMBERS PRESENT:** Yvonne Haynes, Board of Counseling
Virginia Van de Water, Board of Psychology
James Watkins, Board of Dentistry
James Wells, Citizen Member
Frazier Frantz, Board of Medicine
- MEMBERS NOT PRESENT:** Ellen Shinaberry, Board of Pharmacy
- STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director for the Board
Justin Crow, Deputy Executive Director for the Board
Laura Jackson, Operations Manager
David Brown, DC, DHP Director
Sandra Reen, Executive Director, Board of Dentistry
- OTHERS PRESENT:** Scott Johnson, First Choice Consulting for Service Corporation International (SCI)
Ralston King, Virginia Dental Hygienist Association
Bruce Keeney, Association Independent Funeral Homes of VA
Larry Spiaggi, Virginia Funeral Directors Association
Blair Nelsen, SCI Management
- QUORUM:** A quorum was established with five members in attendance.
- EMERGENCY EGRESS:** Dr. Van de Water read the evacuation procedures for board room 2.
- PUBLIC COMMENT:** **Scott Johnson, First Choice Consulting for Service Corporation International (SCI)**
Mr. Johnson referenced the letter that he sent to the Board on April 6, 2015 regarding Multi-Level Licensure for Funeral Directors and Embalmers. SCI fully supports the creation of mid-level provider license which has been labeled “funeral service counselor”. He stated that prospective employees of funeral service establishments have no interest in undergoing laboratory training to embalm, nor do they have any interest in performing embalming services as part of their work. They have no objection to undertaking and completing all of the other required training of a funeral service director. SCI does not support a funeral service

counselor or other mid-level provider being able to serve as a manager of record for a funeral service establishment. As funeral service counselors or other mid-level provider does not exist under existing law, statutes would have to be enacted by the Virginia General Assembly in order to grant authority to the Board to create licensure for these individuals and include the public protections in safety provisions that exist for other licensees.

Ralston King, Virginia Dental Hygienist Association

Virginia Dental Hygienist Association is in support of Option 3: Recommend Remote Supervision (Collaborative Practice) Protocols for Dental Hygienists and Option 4: Recommend Restricting Expanded Scope of Practice to Certain Areas, Facilities or Populations. He referenced information that Dr. Link, Virginia Dental Association's President provided the Committee at the January 22, 2015 meeting. Mr. King stated that he agrees with Dr. Link's request to go back 20 years to gather complaint data, but believes the salary information he stated was contradictory to what Virginia dental hygienists actually make. Mr. King referenced the Healthcare Workforce Data Centers workforce report on Dental Hygienists, which states the actual salary information for Virginia dental hygienists. VDHA is concerned that the position of Dental Health Coordinator requires no certification or license therefore there is no way to know if they are providing safe delivery of care.

Bruce Keeney, Association of Independent Funeral Homes of Virginia

Mr. Keeney stated that there are three funeral associations in Virginia. He referenced the request made by Senator Kenneth Alexander on November 15, 2013 to have the Department of Health Professions study options for establishing a separate funeral director-only license and provide recommendations related to the options. Mr. Keeney stated that the stakeholders for the bill have not convened since the request to comment on it. Mr. Keeney stated that the trend for cremations has increased, that the candidates out of college have very different work ethics and that this job is a calling as the income is not high and they must be available 24/7/365. He stated that the profession is the most regulated of any profession. The Association also believes that there may be a workforce issue that needs to be addressed as well.

Larry Spiaggi, Virginia Funeral Directors Association and a Funeral Director in Chesterfield County

Mr. Spiaggi stated that the Association has not decided its stand on this request. He is concerned that there is an abundance of applicants in Richmond and Tidewater, quoting that 30% of graduates are unemployed. The issues discussed today will be discussed in more detail at the Virginia Funeral Directors Association meeting in June. Mr. Spiaggi will provide feedback

regarding the meeting to the Committee.

Blair Nelsen, SCI Management

Mr. Nelsen stated that society is different today with a 60% increase in cremations. He stated that there are 39 states that have funeral licensure and that one license does not make them more professional, it restrains the trade.

APPROVAL OF MINUTES: January 22, 2015 Committee Meeting
On properly seconded motion by Dr. Watkins, the meeting minutes were unanimously approved.

January 22, 2015 Public Hearing
On properly seconded motion by Ms. Haynes, the meeting minutes were unanimously approved.

**MULTI-LEVEL
LICENSURE OF FUNERAL
DIRECTORS AND
EMBALMERS**

Dr. Carter stated that it is very difficult to compare and contrast the laws for each state as licensure for each state is very unique. Discipline seems to be similar in that most violations involve continuing education credits, fraud and failure to renew their license. A workforce survey by the Healthcare Workforce Data Center can be implemented but data will not be available until 2016 as licenses are renewed once a year. It is important to note that just because an individual is licensed it does not mean that they actively practice.

A motion was made to hold a public hearing May 28, 2015 to receive additional public comment.

On properly seconded motion by Mr. Wells, the motion was unanimously approved.

**DENTAL HYGIENIST
REVIEW**

Dental Hygienist Scope of Practice Review
Mr. Crow provided a handout that noted changes that have been made to the draft report.

Mr. Crow stated that the Board of Health Professions would like to establish a workgroup to discuss the issues regarding dental hygienists. He also noted that the Board of Dentistry opposed Option 6: Direct the Regulatory Research Committee to Convene a Workgroup to Develop Expanded Practice Protocols.

In response to opposition of Option 6 Ms. Reen, Executive Director for the Board of Dentistry stated that the Board of Dentistry is holding an Open Forum on Policy Strategies to Increase Access to Dental Treatment Friday, May 8, 2015 and that the Board of Health Professions convening a Workgroup would create duplicate work.

Ms. Reen noted that it will take approximately 18 months to two years for regulations to be put in place should changes be made.

On properly seconded motion by Dr. Watkins, it was agreed that the Regulatory Research Committee will table discussion on options until the May 8, 2015 Board of Dentistry Open Forum. The Board of Dentistry will report its findings to the Committee.

NEW BUSINESS:

The committee had no new business to discuss.

ADJOURNMENT:

With no other business to conduct, the meeting adjourned at 11:20 a.m.

Virginia Van de Water
Chair

Elizabeth A. Carter, Ph.D.
Executive Director for the Board