



Spring 2019

## News Brief

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### *Upcoming Board Meetings*

**July 11, 2019 (10:00 a.m.)** – Full Board Meeting

**October 10, 2019 (10:00 a.m.)** – Full Board Meeting

*All Board meetings are held at the Department of Health Professions,  
2<sup>nd</sup> Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.*

### Board Members

*Joseph Frank Walton, FSL  
President  
Virginia Beach, VA*

*Mia F. Mimms, FSL, JD  
Vice-President  
Richmond, VA*

*R. Thomas Slusser, Jr., FSL  
Secretary-Treasurer  
Clifton Forge, VA*

*Muhammad Hanif  
Citizen Member  
Midlothian, VA*

*Kenneth Scott Hickey, MD  
Citizen Member  
Maidens, VA*

*Louis R. Jones, FSL  
Virginia Beach, VA*

*Blair Nelsen, FSL  
Richmond, VA*

*Connie B. Steele, FSL  
Roanoke, VA*

*Larry T. Ompps, FSL  
Winchester, VA*

### *New Regulations in Effect*

Recently, final regulations became effective for the Board of Funeral Directors and Embalmers in the following areas:

- **Clarification of Permission to Embalm and Refrigeration of Human Remains – Effective December 26, 2018** - To access the final text of the regulation changes, please [click here](#).
- **Continuing Education Credit for Attendance of Board Meetings – Effective November 28, 2018** - To access the final text of the regulation changes, please [click here](#).
- **Students Assisting with Embalming – Effective February 21, 2019** - To access the final text of the regulation changes, please [click here](#).

A full copy of the Board's updated regulations may be accessed on the Board's website by [clicking here](#).



## ***Pending Regulatory Actions***

**Regulations Governing Funeral Directors and Embalmers** (18VAC65-20-10 et seq.) - The Board intends to amend its regulations governing the practice of funeral services by clarifying certain provisions, updating regulations, and strengthening rules for surface transportation and removal services and courtesy cards.

**Stage:** NOIRA

**Status:** **Public Comment forum open from May 27-June 26, 2019**

**Regulations for Preneed Funeral Planning** (18VAC65-30-10 et seq.) - The Board intends to amend its regulations governing preneed funeral planning to ensure greater protections for the public in disclosures of information about what they is and is not included in a contract, in retention of documentation, and in notification if a funeral home closes or changes ownership.

**Stage:** NOIRA

**Status:** **Public Comment forum open from May 27-June 26, 2019**

**Regulations for the Funeral Service Intern Program** (18VAC65-40-10 et seq.) - The Board has adopted a recommendation of the Ad Hoc Committee on Funeral Interns that a NOIRA be initiated to do the following: 1) amend 18VAC65-40-130 (A) to indicate training should be completed within not less than 18 months nor more than 60 months, and that the Board would only consider extensions for extenuating circumstances; 2) require supervisors to register for supervision of each funeral service intern with an expiration for the registration of 60 months or at the completion of the intern's training, whichever occurs first in order to allow the Board to track active supervisors and make sure supervisors are in good standing; and 3) add a regulation requiring that interns be identified to the public as interns in titles, correspondence, and communications with the public. Subsequent to publication of the Notice of Periodic Review and NOIRA, a second NOIRA was adopted by the Board to consider a reduction in the number of internships hours currently required.

**Stage:** NOIRA (Periodic Review) - **Status:** Secretary review in progress

**Stage:** NOIRA (Reduction in internship hours) – **Status:** **Public Comment forum open June 10-July 10, 2019**

**Guidance on Surface Transportation and Removal Services** – The Board adopted a proposed Guidance Document on Surface Transportation and Removal Services at its Board meeting on April 16, 2019.

**Stage:** Public Comment Period

**Status:** **Public Comment forum open from May 13-June 12, 2019**

*For more information or updates on these pending regulatory actions, please visit **The Virginia Regulatory Townhall Website** at <http://townhall.virginia.gov>.*

## ***Legislation Becoming Effective July 1, 2019***

### **HB 2445 and SB 1439 - Updates to the Electronic Death Reporting System (EDRS)**

During the 2019 Session, the General Assembly passed two companion bills, HB 2445 and SB 1439, related to the electronic filing of the completed medical certification on death certificates. A summary of the bills from the Legislative Information System is provided below:

**Death certificates; medical certification; electronic filing.** Requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that, except under certain circumstances, failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Department of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

*For more information on the EDRS system, please visit the EDRS tab on the [website of the Division of Vital Records, Virginia Department of Health](#).*

Other bills becoming effective July 1, 2019:

- **[SB 1300](#)** – Funeral establishments; full-time manager requirement; exception; number of calls.
- **[HB 1828](#) and [SB 1247](#)** – Sale of caskets; preneed arrangements for funeral services.

*To view a summary of these bills, or the full text, click the bill links provided above, or visit Virginia's Legislative Information System at <http://lis.virginia.gov/>.*

### ***Resources – Cremation of Decedents After Radioactive Treatments***

The Journal of the American Medical Association (JAMA) recently published a case study, *Radiation Contamination Following Cremation of a Deceased Patient Treated With a Radiopharmaceutical*.

In response to some of the concerns expressed for funeral establishments and crematories, the Cremation Association of North America (CANA), has compiled a number of resources of interest to funeral and crematory staff.

To access these materials, visit the CANA website at: [www.cremationassociation.org](http://www.cremationassociation.org), or [www.cremationassociation.org/blogpost/776820/319888/Practical-Guide-to-the-Radiation-Misinformation](http://www.cremationassociation.org/blogpost/776820/319888/Practical-Guide-to-the-Radiation-Misinformation)

## Facility Inspections Report – Most Common Deficiencies from 2018

In 2018, a total of 149 facilities (main establishments, branch establishments, and crematories) were inspected by Senior Inspectors from the Department of Health Professions. Of the facilities inspected:

- 96.4% of crematories had no cited deficiencies;
- 61.0% of branch establishments had no cited deficiencies; and
- 38.7% of main establishments had no cited deficiencies.

The most frequently cited violations in 2018 were the following:

<u>Regulation</u>	<u>Deficiency(ies) Cited</u>
18VAC65-20-630	The price ranges for Direct Cremation and Immediate Burial in the General Price List (GPL) are not calculated correctly.  <b>Immediate Burial:</b> Prices should range from the immediate burial package with container provided by purchaser to the immediate burial package plus the most expensive casket.  <b>Direct Cremation:</b> Prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for cremation or the most expensive cremation casket.
18VAC65-20-630	The price ranges on the GPL for caskets and outer burial containers do not match the highest and lowest costs of those products and the Casket Price List (CPL) and Outer Burial Container Price List (OBCPL).
18VAC65-20-630, Appendix I, II, III	The required disclosures and the Itemized Statements, GPL, CPL, and OBCPL are not worded exactly as required by the Federal Trade Commission (FTC).
18VAC65-20-540	Preparation room walls and floor joints are not tight. The floor and wall surfaces are not impervious to water.
18VAC65-20-510	The embalming report does not contain all of the following: <ul style="list-style-type: none"> <li>• The name of the deceased and the date of death</li> <li>• The date and location of the embalming</li> <li>• The name and signature of the embalmer and the Virginia license number of the embalmer</li> <li>• If the embalming was performed by a funeral service intern, the name and signature of the supervisor.</li> </ul>
18VAC65-30-70	The preneed list does not have all required information.
18VAC65-20-630, Appendix II	The CPL and OBCPL do not include the name, address, and telephone number of the facility.
18VAC65-30-90	The preneed disclosure Q&A form is not available at the establishment.
18VAC65-20-50	Posting of license – No license posted or expired license posted <ul style="list-style-type: none"> <li>• Each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.</li> </ul>
18VAC65-20-590	The facility is unable to show evidence (i.e. a contract with a medical waste disposal company) of proper disposal of waste products.

**UPDATED INSPECTION FORMS:** The Board recently updated inspection forms for establishments and crematories. These forms are readily available to licensees on the Board’s website at the below links:

[Funeral Inspection Report](#)

[Crematory Inspection Report](#)

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## ***Reminder – Continuing Education Requirements for Licensees and Course Providers***

In order to renew an active license, licensees are required to meet requirements for continuing education (CE). These requirements are set forth in Virginia Code [§ 54.1-2816.1](#) and in [18VAC65-20-151](#).

The Board will only accept for credit CE courses that are directly related to the scope of practice of funeral service. The practice of funeral services is defined in § 54.1-2800 as “engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.”

Classes for credit must emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal. (18VAC65-20-151)

Licensees are required to retain written documentation or certification of course completion from the course provider for a period of two years. (Va. Code § 54.1-2816.1.)

For FAQ’s and additional information related to CE requirements, please visit the Board’s website at: [https://www.dhp.virginia.gov/funeral/faq\\_CE.htm](https://www.dhp.virginia.gov/funeral/faq_CE.htm).

**Be sure to check the Board’s website often for updated news and information.**

### **Contact Information**

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