VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Henrico VA 23233-1463
Board Room 2, Second Floor
April 24, 2012 at 9:00 a.m.

Regulatory/Legislative Committee Meeting

AGENDA

CALL TO ORDER

NEW BUSINESS

- Consideration of "Emergency" status for Establishments
- Consideration of an Inactive category for License Status
- Time Requirements for Notifying Board of Change of Ownership – **TAB 1**
- Future Funeral Practice - What defines a Funeral Establishment? Discuss virtual funeral home – **TAB 2**
- Maryland Courtesy Card –**TAB 3**

Tab1

Time requirements for notifying Board of Change of Ownership and submitting application for Change of Ownership

Should 18VAC65-20-170 be changed to indicate 14 days for an application to coincide with the 14 days of notification and reduce confusion?

18VAC65-20-60. Accuracy of information.

B. Any change in ownership or manager of record for an establishment or crematory shall be reported to the board within 14 days of the change.

18VAC65-20-170. Requirements for an establishment license.

D. Within 30 days following a change of ownership, the owner or licensed manager request a reinspection of the establishment, submit an application for a new establishment license with documentation that identifies the new owner, and pay the licensure and reinspection fees as required by 18VAC65-20-70. Reinspection of the establishment may occur on a schedule determined by the board, but shall occur no later than one year from the date of the change.

Tab2

FUNERAL ESTABLISHMENT TRENDS

This discussion is not for the purpose of making decisions but to plant a seed for thought.

- It has been a trend for several years now for main establishments to license direct cremation services as branches.
  - Often have names not related to the main establishment.
  - They may be located for licensure purposes at the main establishment but the public may only know of the PO address. In other words, the public would not necessarily know the connection between the direct cremation service and the main establishment, since arrangements are generally made off site.
  - A newer trend is for direct cremation services off site in a rented office where the suite is shared by other part time offices.
- Main establishments with branches serving a niche market in the same building.
  - We received inquiry about two or more funeral homes, owned by different owners, using the same building to share the preparation room, etc. This is not allowed by:

    § 54.1-2810. Licensure of funeral establishments.

    An operator of a funeral establishment shall not allow any person licensed for the practice of funeral service to operate out of his funeral establishment unless the licensee is the operator or an employee of the operator of a licensed funeral establishment.

- Cost Cutting Funeral Homes
  - Do not have a chapel or space for viewing. All services and viewings occur at local churches or other facilities.

What constitutes a funeral home?

- Our "bricks and mortar" regulations are limited to preparation room and posting the license in a place conspicuous to the public. Additionally, the definition for "funeral establishment" in the Code requires a certificate of occupancy.
  - Regulations for a branch establishment do not require a prep room.
  - Could we envision a branch establishment to be placed in an inappropriate space, i.e. someone's home or a storage facility?
  - On some occasions, it has only been the requirement of a certificate of occupancy that has impeded the licensure of a facility that was not appropriate for public use.
  - What if the prep room is clean but the public areas are not?
- I have had experience with inspecting an established funeral home, where I did not feel it was safe for the public to be in the facility. It was difficult to find an appropriate citation for the situation. I used:

  18VAC65-20-500. Disciplinary action.

  6. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.

9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.

POSSIBLE SOLUTIONS

- Borrow from other Boards
    - The entire area of any place bearing the name of a pharmacy shall be maintained in a clean and sanitary manner and in good repair and order.
    - A permit shall not be issued to any medical equipment supplier to operate from a private dwelling or residence or to operate without meeting the applicable facility requirements for proper storage and distribution of drugs or devices. Before any license or permit is issued, the applicant shall demonstrate compliance with all federal, state and local laws and ordinances.
- Require facilities to maintain their public areas in a safe and up-to-code condition.

Tab3

Currier, Missy (DHP)

From: RUTH ANN ARTY [ARTYRA@dhmh.state.md.us]
Sent: Tuesday, January 24, 2012 7:58 AM
To: Currier, Missy (DHP)
Cc: hpclose@verizon.net
Subject: Re: Signed Reciprocity Agreement

Missy, This will be signed on February 8th at our Board meeting. The regs on Courtesy Cards (Title 7-311) can be found, for reference on our web site. However, here is a summary. 1. Can make a removal from Md

2. Can return a decedent to Md for final dispositionl
3. Can sign DC for filing

DOES NOT allow holder to make funeral arrangements or conduct funerals in this State.
Have a great day.
Ruth Ann, Executive Director,Maryland board of Morticians and Funeral Directors

Part V. Issuance of Courtesy Cards.

18VAC65-20-440. Courtesy cards.

A. An out-of-state person applying for a courtesy card pursuant to §54.1-2801 B of the Code of Virginia shall hold a valid license for funeral service, funeral directing, or embalming in another state, territory, or the District of Columbia.

B. An applicant for a courtesy card shall submit:

1. A completed application and prescribed fee; and

2. Verification of a current funeral service license in good standing from the applicant's licensing authority.

C. The holder of a Virginia courtesy card shall only engage in the practice for which he is currently licensed in another jurisdiction.

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 08 Courtesy Card

Authority: Health Occupations Article, §§7-101(f) and 7-311, Annotated Code of Maryland

10.29.08.01

.01 Scope.

These regulations govern courtesy cards for those licensed to practice mortuary science in other states or countries who wish to transport bodies from Maryland to their states or countries of licensure or from their states or countries of licensure to Maryland.

10.29.08.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Board of Morticians and Funeral Directors.

(2) "Committal service" means a ritual conducted at the graveside or crematory following a funeral held at a location other than a cemetery or crematory.

(3) "Courtesy card" means a license issued by the Board to licensed practitioners of mortuary science in other states or countries which allows these practitioners to:

(a) Remove a dead human body from this State and return the body to another state or country;

(b) Return a dead human body from another state or country to this State for final disposition;

(c) Fill out the family history portion of the death certificate;

(d) Sign the death certificate in the holder's capacity as a licensed practitioner of mortuary science without the assistance of or being under the supervision of a Maryland licensed mortician or funeral director; and

(e) Participate in committal services in Maryland without the assistance of a Maryland mortician or funeral director.

(4) "Graveside funeral service" means a program or ritual conducted at the cemetery or crematory on behalf of a dead human body instead of one conducted at a funeral home or place of worship.

10.29.08.03

.03 Requirements for Courtesy Card.

A. An individual already licensed in another state or country to practice mortuary science may apply to the Board for a courtesy card.

B. An individual licensed to practice mortuary science from another state or country, and who is seeking a courtesy card issued by the Board, shall fulfill the following requirements:

(1) Complete an application on a form provided by the Board;

(2) Have the state or country where the individual is licensed certify, by affixing the seal of that state or country on the completed application, that the applicant is a licensee in good standing in that state or country; and

(3) Submit the completed, certified application form along with the fee specified in COMAR 10.29.04.

10.29.08.04

.04 Authority of Courtesy Card.

Upon issuance of a courtesy card by the Board, the courtesy cardholder is authorized to:

A. Complete the family history portion of the death certificate and file it with the local health department or Department of Health and Mental Hygiene;

B. Complete any other forms, including the burial transit permit, incident to the disposition of a dead human body;

C. Transport an embalmed or unembalmed body from the state or country of licensure to Maryland for interment or cremation without the assistance of or under the direction of a Maryland mortician or funeral director;

D. Transport an embalmed or unembalmed body from Maryland to the state or country of licensure for interment or cremation without the assistance of or under the direction of a Maryland mortician or funeral director; and

E. Conduct a committal service without the assistance of or under the direction of a Maryland mortician or funeral director.

10.29.08.05

.05 Fee for Courtesy Card.

The fee for a courtesy card, as specified in COMAR 10.29.04, is nonrefundable and shall be prorated according to a schedule set by the Board.

10.29.08.06

.06 Requirements for Renewal of Courtesy Card.

To renew a current courtesy card, the courtesy cardholder shall:

A. Complete a renewal application form provided by the Board;

B. Have the state or country where the individual is licensed certify, by affixing the seal of that state or country on the completed application, that the applicant is a licensee in good standing in that state or country; and

C. Pay the renewal fee as specified in COMAR 10.29.04.

10.29.08.07

.07 Prohibitions.

The holder of a courtesy card may not:

A. Transfer the card to another individual;

B. Own a funeral business in Maryland unless the courtesy cardholder is also an owner of or director in a corporation whose license is issued by the Board; or

C. Except for the requirements listed in Regulation .04 of this chapter, perform any of the acts related to the practice of mortuary science in Maryland including, but not limited to:

(1) Arranging for funerals,

(2) Conducting funerals in Maryland, including graveside services,

(3) Advertising as a practitioner of mortuary science services in Maryland,

(4) Signing contracts for funeral services in Maryland, or

(5) Preparing deceased human remains in Maryland for disposal.

10.29.08.9999

Administrative History

Effective date: December 19, 1994 (21:25 Md. R. 2105)

Regulation .02B amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)