

FALL 2008

VIRGINIA

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

DEPARTMENT OF HEALTH PROFESSIONS

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Administrative Assistant

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Administrative Assistant

Melissa Currier
Administrative Assistant

The staff is also responsible for three additional health regulatory boards at the Department of Health Professions.

LISA R. HAHN ASSUMES ROLE AS BOARD EXECUTIVE

The Board of Funeral Directors and Embalmers recently welcomed Executive Director, Lisa R. Hahn. Lisa assumed her role as Board Executive on February 11, 2008. She also serves as the Executive Director for the Virginia Boards of Long Term Care Administrators, Physical Therapy and Audiology and Speech Language Pathology since October of 2006.

Ms. Hahn has over twenty years of regulatory experience. She previously served as the Executive Director to the Board of Funeral Directors and Embalmers during the mid-nineties. She also served as the Deputy Director of Enforcement for the



Department of Health Professions. Before rejoining the staff at the Department of Health Professions, Lisa formerly held the position of Chief for the Private Security Services Section at the Department of Criminal Justice Services.

Ms. Hahn holds a Master's Degree in Public Administration from Virginia Com-

monwealth University, and a Bachelor's Degree in Criminal Justice from the University of Maryland.

Lisa is a past President of the international association CLEAR (The Council on Licensure, Enforcement and Regulation). She received the 2003 CLEAR President's Award for the development of the Regulatory Leadership Training Program.

Ms. Hahn was born in Virginia, raised in Maryland. Lisa currently resides in Midlothian with her husband, Tom and her two children. In her spare time, she enjoys reading, exercising and watching her children in their sporting activities.

D A T E S T O R E M E M B E R

Upcoming National Association Meetings

October 12 -15, 2008	National Funeral Directors Association Orlando, FL
November 17-18, 2008	Casket & Funeral Supply Association of America, Inc. Fall Conference Indianapolis, IN
February 26-27, 2009	International Conference of Funeral Service Examining Boards Annual Convention Kingsmill Resort, Williamsburg, VA

Upcoming Board Meeting Date

December 2, 2008 - 9:00AM



IMPORTANT CHANGES FOR THE FUNERAL INTERNSHIP PROGRAM

There have been significant changes to the Funeral Service Internship Program. These changes have been made in order to improve the program and to promote application for full licensure as a Funeral Service Provider (FSP). These new regulations became effective March 21, 2007.

The following is a brief overview of the changes in the Funeral Service Internship Program. There were also some noted changes in the Funeral Service Internship Program Supervisors roles and qualifications.

The Regulations for Funeral Service Internship Program require that the internship consist of at least 3,000 hours of training to be completed in no less

than 12 months and **no more than 48 months**. The regulations also require a FSI to receive training in all areas of funeral service. All interns must take and pass the National Examination within five years of beginning their internship.

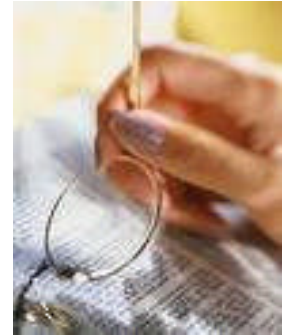
The regulations specify the qualifications of a funeral training site. The training site must be at a currently licensed funeral service establishment or any branch and be approved by the board prior to permitting funeral training being given or conducted in the establishment.

The regulations are also specific on the supervision requirements.

The training must be conducted under the direct supervision of a

licensee or licensees who hold a full and unrestricted Virginia funeral license, have at least two consecutive years in practice and are employed full time in or under contract with the establishment where training occurs. The supervisor must apply and be approved by the board prior to becoming a Funeral Service Intern Supervisor and conducting the training. Credit will only be allowed for training under direct supervision.

The FSI registration will expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee. No credit will be allowed for an internship period served under an expired registration.



If the intern, supervisor, or establishment manager fails to submit the reports as required in the regulations, the intern may forfeit all or partial credit for training or disciplinary action may be taken against the intern, supervisor, and establishment manager.

To view the full text of these changes, please refer to a copy of the regulations for further explanation.

VIRGINIA'S NEW CHIEF MEDICAL EXAMINER, DR. LEAH BUSH



Photo courtesy of The VirginianPilot

Dr. Leah Bush began serving as Virginia's Chief Medical Examiner on January 1, 2008.

Leah Bush, M.D. was promoted to Chief Medical Examiner for the Commonwealth of Virginia, last fall by Governor Tim Kaine. Dr. Bush became the new Chief Medical Examiner on January 1, 2008, replacing Marcella Fierro, MD, who retired after holding the position since 1994. Leah Bush served as the Assistant Chief Medical Examiner in the Tidewater district of Virginia for 18 years.

Dr. Bush is certified by the National Board of Medical Examiners, and Board Certified in Forensic Pathology and Clinical Pathology. She received her B.S. in biology from Virginia Tech, her M.S. in biology from Virginia Commonwealth University and her M.D. from the Medical College of Virginia (MCV).

She completed a pathology residency at MCV and a forensic pathology

fellowship at the Medical Examiner's Office in Richmond, Virginia. Bush has taught forensic pathology at Eastern Virginia Medical School and Virginia Commonwealth University.

Dr. Bush also has served as a consultant for the CBS TV Drama, CSI: Crime Scene Investigation.

LETTER FROM LISA R. HAHN, EXECUTIVE DIRECTOR

It is a pleasure serving again as your Executive Director. I have had the opportunity to meet with the Board in March, June and September and I am impressed with the professionalism, dedication and commitment of your board. They are active with a strong desire to ensure that the laws and regulations are adhered to for the protection of the public. They are also very concerned with the numerous pre-need fraud cases and have taken a strong position and action against those violators.

Department of Health Professions and the Board of Funeral Directors and Embalmers have incurred a number of changes recently. Last year we relocated our office, we have had a number of staffing changes as well as Board realignments within the department. One of the most significant changes was resignation of Beth Young who served as your Executive Director for a number of years, Beth resigned at the end of 2007, due to health reasons. We wish Beth well and thank her for her contributions to the Funeral Board.

Also, it is important to mention that your board now shares leadership and staff with three other regulatory boards; Long-Term Care Administrators, Physical Therapy and Audiology and Speech Language Pathology.

I would like to point out a change to the law which occurred during the 2008 General Assembly. House Bill 1521 was proposed by the Virginia Funeral Directors Association and was passed. This change amends the continuing education requirements for the funeral profession. Specifically, the law requires the Board to approve criteria for continuing education courses requiring, instead of 5 hours per year, 10 hours over two

years and at least one hour per year must cover compliance with laws and regulations governing the profession and at least one hour per year covering pre-need funeral arrangements. Additionally, the law required the board to develop regulations to implement this change.

The Board spent considerable time discussing how to implement the change with the least amount of confusion to the profession. The primary concern of the Board was funeral service licenses are renewed on an annual basis; having a new two year requirement for continuing education could be confusing to licensees who currently must attest on an annual renewal basis to compliance with continuing education requirements. Additionally, the new law requires one hour in pre-need funeral arrangements and one hour covering compliance with laws and regulations on an annual requirement, which may further confuse our licensees.

The Board decided to have the licensees attest to their continuing education compliance on their renewal in the even years. They developed the regulations as required by the new law and they became effective on August 6, 2008. The Board is hopeful that the new regulations will help clarify the requirements. For your convenience, I have included the new regulations regarding CE requirements.



18VAC65-20-151. Continued competency requirements for renewal of an active license.

A. Funeral service licensees, funeral directors or funeral embalmers shall be required to have completed a minimum of 10 hours of continuing education offered by a board-approved sponsor for licensure renewal in even years in courses that emphasize the ethics, standards of practice, preneed contracts and funding, or laws and regulations governing the profession of funeral service in Virginia. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements.

Lastly, I wanted to remind you of the usefulness that a visit to our website can be to you. You may visit us at www.dhp.virginia.gov/funeral/. We have the following information posted on our website for you: applications, instructions and forms, regulations and laws, frequently asked questions (FAQ's), Board members, staff members, how to renew online, Board meetings and minutes, license lookup, recent case decisions, newsletters, guidance documents, how to file a complaint and many more resources. We recommend that you utilize our website as well as our easy to use on-line renewal services.

The Board will meet again on December 2, 2008, at 9:00 a.m. at the Department of Health Professions. All board meetings are open to the public and we invite you to attend.

Please let us know if there is anything we can assist you with and as always, I look forward to working with you.

**FROM THE DESK OF
DR. LEAH BUSH,
CHIEF MEDICAL EXAMINER**

As the new Chief Medical Examiner, I have recently been working with the Virginia Department of Health leadership, the Division of Vital Records and the funeral directors' and embalmers' associations to develop strategies to encourage local attending physicians to sign natural, green border, death certificates (DC) in a timely fashion on their private patients who do not fall under the jurisdiction of the Office of the Chief Medical Examiner. To me this is a doctor's last act of patient care.

These strategies include asking deputy vital registrars and health directors in localities to address cases in which the attending physicians are lax in signing their natural death certificates instead of the funeral directors calling local medical examiners to intercede. The green border death certificate does not fall under the jurisdiction of the Medical Examiner's (ME) Office, but is a document that is produced and reviewed by the Vital Registrar. Health Department leadership has instructed the local Deputy Registrars to assist funeral directors with treating physicians who inappropriately refuse to sign their patient's green border death certificate. If the Deputy Registrar is unsuccessful in assisting the funeral director, the local Health Director is to call the local physician to explain his statutory responsibility to sign the death certificate. If the local Health Director feels, following inquiry, that the case is truly a medical examiner's case, he or she will call the district Medical Examiner's Office to report the case. The Health Director may call the district ME Office for advice on the most appropriate way to certify the death certificate on any case. If this issue continues to be a problem despite our best efforts, we may have to partner in the future to develop strategies to offer some remediation on proper death certification to repeat offenders.

The ME Office is responsible for red border death certificates only. Therefore, if a funeral director has difficulty obtaining a red border DC from any local medical examiner, he or she should contact the district ME Office for immediate assistance.

Another strategy to encourage doctors to sign death certificates includes asking family members for the name of other treating physicians if the first physician notified refuses to sign the green border DC. Additionally, the funeral director may be able to facilitate the treating physician signing the natural DC if he or she provides the treating physician with information about the death when asking for a signed DC. Often the first notification a doctor receives that a patient has died is when the funeral director brings a DC to the doctor to sign. Helpful information can easily be provided in the form of a note to the physician and should include as much information as possible. Information that would be helpful to the treating doctor includes where and in whose company the patient died (at home with wife and family or with a hospice nurse), if the police were called (police came to the scene and found no evidence of foul play or anything unusual), whether EMS examined the deceased (EMS came to the home and found him in an irregular heart rhythm with no injury) and any other pertinent circumstances surrounding the death (the family is appropriately grieving their loss). A treating physician is far more likely to sign a green border death certificate if they know a little about the circumstances of death and are assured that there is nothing suspicious about it.

Online training in death certification for all Virginia physicians is currently being developed by the Division of Vital Records under the Vital Registrar's, Ms. Janet Rainey, leadership with my

Continued on page 5

Continued from page 4

input. Our new Health Commissioner, Dr. Karen Remley, is also committed to training physicians in proper death certification by targeting family practice and emergency room

physician groups. I will soon be giving a talk on proper death certification to the Virginia Academy of Family Physicians.

When accepting a signed DC from the physician, please ensure that a properly certified death certificate does **not** contain a mechanism such as cardiac or respiratory (or cardiopulmonary) arrest as the sole cause of death. Everyone dies of cardiac or respiratory arrest regardless of what event preceded it. Your heart stops beating whether you were shot to death or had a massive heart attack. This inappropriate cause of death should elicit further inquiry by the funeral director of the physician who signed the death certificate to confirm the underlying medical disease and have it entered onto the certificate excluding intoxication, poison or injury as the underlying cause.

Please also ensure that all death certificates with **traumatic or unnatural causes** are certified on a red-bordered death certificate by a medical examiner, not on a natural green border certificate. Certain causes of death should elicit further inquiry by the funeral director if present on a green-bordered death certificate. In Virginia a green border certificate assumes a non-medical examiner case and a natural cause and manner of death. Causes such as a subdural hematoma, intracranial hemorrhage, pulmonary emboli, fracture or complications of any type of injury are examples of causes that may be unnatural. This inquiry may once again be limited to a discussion with the attending physician to confirm, for example, that the intracranial hemorrhage is actually a hemorrhagic stroke or the fracture is a pathological fracture due to metastatic cancer. Occasionally, while reviewing a green-bordered death certificate, the funeral director may realize that the case actually falls under the jurisdiction of the Office of the Chief Medical Examiner. In such cases, the funeral director should notify the local medical examiner or district ME office immediately.

Another issue that has occurred with greater frequency within the last year or so is the **forgery** of medical examiner death certificates. If you obtain a death certificate with incorrect information or you make an error when completing the certificate and need a replacement, you can hand carry or mail the certificate back to the local ME or to the district ME office and it will be replaced immediately and returned to you. The ME office understands that mistakes are made and we are happy to replace any incorrect certificate, even if it happens more than once. To forge a doctor's signature or change the cause of death on a death certificate is a felony. The district offices have noticed an increasing incidence of forged death certificates, and I am making investigation and prosecution of forged ME death certificates a priority. I have recently submitted several to the Vital Registrar and the Department of Health Professions for investigation.

In closing, please also remember that you must always have a signed death certificate (green or red border) before calling a local medical examiner to do a cremation view and sign the cremation certificate. Local medical examiners have been told repeatedly for years that they should not certify a cremation without a properly signed death certificate. Doing so may put both you and them at risk for problems if any lawsuits arise as a result of this practice.

As always, I look forward to continuing a close working relationship with funeral directors and embalmers throughout the Commonwealth. You may contact your district ME office with any problems or for policy clarification.



LICENSURE RENEWAL



Licensees have the option of renewing online at www.dhp.virginia.gov. To access this feature you must have a PIN number, which is provided in the renewal notice; for security reasons PIN numbers are not issued over the phone. If you have lost your PIN number you may request a new temporary PIN at <http://www.dhp.virginia.gov/mylicense/requestpass.htm>

You will need to complete all of the sections on the webpage and hit Submit Request. A new temporary PIN number will be sent to the address of record by U.S. postal mail. You should allow 7 to 10 business days for receipt of the new temporary PIN number. If you believe that your address of record is incorrect please contact the board office to update our records. All address changes must be in writing, you may e-mail your address change to FANBD@dhp.virginia.gov or fax to 804-527-4413, or you mail the change to the board's address.

The Department of Health Professions will mail a renewal notice to the licensee outlining the procedures for renewal.

Failure to receive the renewal notice, however, shall not relieve the licensee of the obligation to renew the license and maintain the required continuing education hours.

If a license holder fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with a statement indicating compliance with the required continuing education hours in addition to with the required renewal fee.



A SOBERING REMINDER TO LICENSEES...

"Every morning we strap our three year-old granddaughter into a booster seat in the back seat of our car and take her to her preschool. The same practice is followed anytime she gets into any vehicle. It makes sense and it is the law!

Do funeral processionals follow the same procedure when using their limousines and transporting small children during funeral services? From my non-scientific observations, it appears they don't. We've experienced times where we used our own or the child's family had a booster seat that could be placed in the rear seat of the limousine.

Recently I returned from a fatal accident involving two funeral home limousines that were on the way back from a funeral. Another vehicle coming in the opposite direction, was passing a car. The first limousine tried to avoid the obvious collision, but still ended up being struck and ended up on the far side of the road, upside down.

The second limousine was struck head-on. The young child in the middle seat was killed immediately.

As the owner of one of the limousines, I was called to the accident scene.

Standing beside the totaled automobile, my eyes filled with tears as I saw the tarp covering the body of a small child, still laying in the middle seat; a life snuffed out before it truly lived.

Hindsight is 20/20. If the child had been restrained in a child safety seat and in the back seat...A young child is dead before they could make an impact on our world....or has it?

Please be sure that all children are in child restraint or safety seats. Maybe this reminder could save others."

Used with the permission of
Mr. Beacham McDougald, Owner, McDougald Funeral Home and Crematorium,
Laurinburg, NC





DISCIPLINARY MATTERS



The disciplinary matters listed contain decisions for all proceedings conducted from 07/01/07 through 07/01/08. You may access these decisions at: www.dhp.virginia.gov

(select "License Lookup").

<u>Respondent</u>	<u>Action</u>	<u>Order Entered</u>
BAILEY FUNERAL SERVICE	Monetary Penalty & Terms Imposed	7/11/2007
CARSON A. ROBBINS	Summary Suspension	7/25/2007
L.H. BROOKS AND BROS. INC.	License Surrendered	8/9/2007
JORDAN, K. L. FUNERAL AND CREMATION SERVICE, INC.	Summary Suspension	9/4/2007
K.L. JORDAN CASKET & URN GALLERY	Summary Suspension	9/4/2007
KIPLIN LANE JORDAN	Summary Suspension	9/4/2007
CUNNINGHAM & HUGHES FUNERAL HOME	Suspension	9/6/2007
KIPLIN LANE JORDAN	Revocation	10/9/2007
AMBROSE WELDON BAILEY	Monetary Penalty & Suspension	10/11/2007
JORDAN, K. L. FUNERAL AND CREMATION SERVICE, INC.	Monetary Penalty & Revocation	10/12/2007
K.L. JORDAN CASKET & URN GALLERY	Monetary Penalty & Revocation	10/12/2007
VERDELL A WHITE	Corrective Action, Monetary Penalty & Probation	12/14/2007
W. LARRY PARRENT	Suspension	1/17/2008
JOYCE BLAND TUCKER	Monetary Penalty & Reprimand	2/14/2008
TUCKERS FUNERAL HOME	Terms Imposed	3/17/2008
DEMAINE FUNERAL HOME	Monetary Penalty & Probation	5/2/2008
AFFORDABLE FUNERAL SERVICES	Monetary Penalty & Probation	5/2/2008
NATIONAL FUNERAL HOME	Monetary Penalty & Probation	5/2/2008
AARON LEE BAILEY	Revocation	6/3/2008
CARSON A. ROBBINS	Suspension	6/3/2008



The Board of Funeral Directors and Embalmers would like to announce the reappointments of Mr. Robert B. Burger, Jr. and Mr. Randolph T. Minter. Both Mr. Burger and Mr. Minter's terms will expire on June 30, 2012.

HOW TO FILE A COMPLAINT

The Department of Health Professions receives complaints about healthcare practitioners who may have violated a regulation or law. Complaints for all the licensing and regulatory Boards under the Department's jurisdiction are received and processed by the Enforcement Division. Complaints may be submitted in writing, by telephone, fax, e-mail, in person, or anonymously.

Department of Health Professions Telephone: 1-800-533-1560

9960 Mayland Drive, Suite 300 804-367-4560

Richmond, Virginia 23233-1463 804-367-4691

E-mail: enfcomplaints@dhp.virginia.gov **Facsimile:** 804-527-4424



Proposed Regulations for Standards of Crematories

The Board is acting within its statutory authority to establish standards for the practice of funeral service, including cremation and to determine the qualifications to enable any person to engage in the practice of funeral service and the operation of a funeral service establishment, including a crematory. Standards are necessary to ensure that there is a responsible party for the operation of the crematory and that operators are properly trained for the safe operation of the retort, including meeting OSHA and DEQ standards to protect the employees of the establishment but also persons in the community. Other requirements will ensure that cremation is not performed on the wrong remains or against the wishes of the next-of-kin. With additional regulatory standards, inspectors will be able to ensure cremation is practiced in a manner that respects the dignity of human remains, provides assurance to families, and protects the health and safety of those who may be affected by the practices of a crematory.

A public hearing was held at the Department of Health Professions on Tuesday, September 9, 2008. The hearing was to receive comments on amendments to the Board of Funeral Directors and Embalmers regulations, specifically, to discuss the periodic review of the amendment in regard to crematories. The Board is currently taking public comments regarding these regulations, until October 3, 2008.

The Board intends to amend existing regulations to consider the following requirements in regulations governing crematories:

- Crematory to name a manager of record
- Training for operators of the crematory, including OSHA standards
- A funeral service licensee to obtain authorization to cremate and the content of an authorization form
- A method for positive identification of remains
- Maintenance of documentation
- Standards for proper storage of remains prior to cremation
- Standards for disposal of unclaimed remains
- A permit to operate the crematory for agencies such as the Department of Environmental Quality
- Acceptable cremation practices, including prohibition on multiple cremations at one time
- A preclusion of the cremation of non-human remains in same retort
- Removal and disposal of radioactive devices and other non-biological materials and devices
- A waiting period after death prior to cremation (with religious practice exception)
- Certification of crematory operators

The public may submit written comments on the proposed fast-track action to Lisa R. Hahn, Executive Director, Board of Funeral Directors and Embalmers, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463 or by e-mail to lisa.hahn@dhp.virginia.gov. Electronic comment may be posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov or sent by e-mail.

Please note, the comment period will close on October 3, 2008.

**EXAMINATION DATES FOR
THE REMAINDER OF 2008**

Applications and Required
Documents Deadline

September 11, 2008
October 16, 2008
November 13, 2008

Examination Date

October 12-18, 2008
November 16-22, 2008
December 14-20, 2008



**CURRENT LICENSE
STATISTICS**

AS OF JULY 2008

Branch Establishment	16
Continuing Education Provider	28
Courtesy Card	106
Crematories	75
Embalmer	5
Funeral Director	101
Funeral Establishment	500
Funeral Service Intern	145
Funeral Service Provider	1438
Surface Transport & Removal	50

Questions or Comments? You may submit questions, suggestions or comments to the board office at anytime; conveniently by e-mail fanbd@dhp.virginia.gov, by fax 804-527-4413, or by US Postal Service.

Department of Health Professions
Board of Funeral Directors & Embalmers
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463
Telephone Number: (804) 367-4497
Fax Number: (804) 527-4413
E-Mail Address: fanbd@dhp.virginia.gov

The following professions are regulated by the Virginia Board of Funeral Directors and Embalmers

- Funeral Establishments
- Funeral Services Providers
- Funeral Directors
- Funeral Embalmers
- Funeral Service Interns
- Crematories
- Surface Transportation and Removal Services
- Courtesy Cards

Help Us Help You!!

Please take a moment and send us your email address. We realize that email addresses change from time to time and we want to have your most current information. Email is the most efficient way to communicate and one way to ensure that you receive the information that the Board sends to you.

You may send your email address to:

fanbd@dhp.virginia.gov

Virginia Department of Health Professions
Sandra Whitley Ryals, Director