Memorandum of Understanding Between
Cemetery Board
Department of Professional and Occupational Regulation
and
Board of Funeral Directors and Embalmers
Department of Health Professions

I. Purpose

The intent and purpose of this Memorandum of Understanding is to establish an agreement that the Cemetery Board at the Department of Professional and Occupational Regulation and the Board of Funeral Directors and Embalmers of the Department of Health Professions will assist one another with the enforcement of their respective statutes and regulations. This activity will be accomplished through a sharing of enforcement data, review of licensing information, and forwarding of information concerning disciplinary actions taken against regulants. This agreement will enable the aforementioned boards to assist each other with enforcement actions, the direct benefit of which is an increase of the level of protection offered to the citizens of the Commonwealth.

II. Background

The 1998 Virginia General Assembly enacted legislation creating the Cemetery Board and mandated that an individual or business entity operating a cemetery company, or any individual employed as sales personnel, as defined in the Code of Virginia, be licensed/registered by the Cemetery Board effective July 1, 2000. Prior to the enactment of this legislation, cemeteries were required to be registered with the Department of Agriculture and Consumer Services; however, limited regulatory enforcement powers were available. Chapter 23.1 of Title 54.1 of the Code of Virginia gives the Cemetery Board the authority to promulgate and enforce regulations consistent with the statutes.

The Board of Funeral Directors and Embalmers has been regulating this industry for over fifty years and has regulations in place under the authority of Chapter 28 of Title 54.1 of the Code of Virginia. Although regulants of the Board of Funeral Directors and Embalmers work closely with cemeteries, this board has no regulatory authority over cemetery companies.

III. **Procedure**

A. The Cemetery Board, Department of Professional and Occupational Regulation responsibilities:

1. The Board will provide the Board of Funeral Directors and Embalmers with a report of disciplinary action taken against cemetery companies and sales personnel. This notification will be in the form of a copy of any consent orders or final orders against a regulant and will be forwarded within 30 days of the issuance of the order.

2. The Department will verify immediately by phone or within five working days in writing any request for verification of licensure.

3. The Board will provide to the Board of Funeral Directors and Embalmers a list of all licensed cemetery companies and sales personnel on a quarterly basis and upon request.

B. The Board of Funeral Directors and Embalmers, Department of Health Professions responsibilities:

1. The Board will provide the Cemetery Board with a report of disciplinary action taken against their regulants. This notification will be in the form of a copy of any consent orders or final orders against a regulant and will be forwarded within 30 days of the issuance of the order.

2. The Department will verify immediately by phone or within five working days in writing any request for verification of licensure.

3. The Board will provide to the Cemetery Board a list of all licensed funeral directors, funeral homes and embalmers on a quarterly basis and upon request.

The Department of Professional and Occupational Regulation and the Department of Health Professions will appoint a representative from each party for the purpose of executing this agreement.

This Memorandum of Understanding will be effective from the date both parties have signed below until such time as the parties hereto enter into another agreement or the agreement is withdrawn, by either party, upon written notification provided within 30 days of the intended withdrawal.

It is mutually agreed that any amendments, deletions or additions to this memorandum may be made by letter signed by the Director of the Department of Professional and Occupational Regulation and the Director of the Department of Health Professions.

Director
Department of Professional and Occupational Regulation

3/31/99
Date

John W. Hasty
Director
Department of Health Professions

4-2-99
Date