

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 23, 2013 at 10:00 a.m.**

BOARD MEETING AGENDA

CALL TO ORDER

ORDERING OF AGENDA

ACCEPTANCE OF MINUTES - Tab 1

- Board Meeting - October 16, 2012

INFORMAL CONFERENCES HELD

- (2) - held on October 16, 2012
- (1) - held on April 3, 2013

PUBLIC COMMENT PERIOD

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn - Tab 2

NEW BUSINESS

- Legislative/Regulatory Reports- **Elaine Yeatts - Tab 3**
 - Report on status of regulatory actions
 - Report of the 2013 General Assembly Discussion of HB1704
- Adoption of proposed regulations on identification prior to cremation - replacement of emergency regulations- **Elaine Yeatts - Tab 4**
- Adoption of fast-track action on regulations under Governor's regulatory reform project - **Elaine Yeatts - Tab 5**
- Maryland's New Law - **Tab 6**
- Guardian Cremation Authorization - **Tab 7**
- Insurance Requirements - **Tab 8**
- Cemetery Requirement for a Licensed Funeral Director on Site - **Tab 9**
- Virginia Wounded Warrior Program - **Tab 10**

Tab 1

UNAPPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, October 16, 2012 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Blair Nelsen, FSP, President
Junius Williams, Citizen Member, Vice-President
Christopher P. Vincent, FSP, Secretary-Treasurer
Randolph T. Minter, FSP
Walter Ball, Citizen Member
Eric V. Wray, II, FSP

BOARD MEMBERS PRESENT FOR ALL OR PART OF THE MEETING

Robert Oman, FSP
Robert B. Burger, Jr., FSP
Michael J. Leonard, FSP

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM

With 7 members present a quorum was established.

GUESTS PRESENT

Barry D. Robinson, Virginia Morticians Association
Karen McPherson, Virginia Morticians Association
Meredyth Partridge, Regulatory Support Services, Inc.
Paul Harris, Regulatory Support Services, Inc.
Bruce Keeney, Independent Funeral Homes of Virginia
Lacy Whittaker, Virginia Funeral Directors Association
Joseph L. Charity, White-Tidewater Funeral Home
V. Allen White, II, White-Tidewater Funeral Home
Steven Combs, Department of Veterans Affairs
W. Scott Johnson, First Choice Consulting
Wesley Gregory, DHP

CALL TO ORDER

Blair Nelsen, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:09 a.m.

ORDERING OF AGENDA

The agenda was accepted as amended.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Ball and properly seconded by Mr. Minter, the Board voted to accept the following Meeting Minutes:

- Board Meeting – July 16, 2012
- Formal Hearing – July 16, 2012
- Formal Hearing – July 17, 2012
- Formal Hearing – July 17, 2012

The motion carried unanimously.

INFORMAL CONFERENCES HELD

Mr. Nelsen shared that informal conferences were held on the following days and that the minutes are located on the board's website and on regulatory Townhall.

- (2) – held on July 17, 2012
- (2) - held on September 19, 2012

PUBLIC COMMENT PERIOD

Mr. Joseph L. Charity, Jr. stated that he had submitted a petition for rule-making asking the board for a change in the distance criteria for hardship waivers, but was informed by Ms. Hahn that the request would require a statutory change. Mr. Charity went on to say that he did follow up with a letter to the attention of several Delegates as well as copied Ms. Hahn about his request and was hoping the board would support his view. Blair Nelsen, Board President thanked Mr. Charity for addressing the board and explained to him that the board was unable to take a position on any legislation.

Mr. Barry Robinson gave special appreciation to Lynne Helmick, Deputy Executive Director for her willingness to present on Laws and Regulations at the November VMA Educational Seminar being held at Tidewater Community College. He also asked that if the Board had any input for an article for the VMA newsletter to please forward the information to them.

Mr. Allan White from White-Tidewater Funeral Home, Jamaica, Virginia introduced himself to the board.

EXECUTIVE DIRECTOR'S REPORT

Expenditure and Revenue Summary

Ms. Hahn began her report with the FY12 fiscal year numbers beginning with the cash balance as of June 30, 2011 of \$26,516; revenue received for FY 12 was \$537,780 plus an additional \$51 credit from Healthcare Workforce Expenditures, less the direct and allocated expenditures of \$628,668 leaving the cash balance as of June 30, 2012 of \$(64,321).

Ms. Hahn then gave the most recent financial numbers for FY13 beginning with the cash balance as of July 1, 2012 of \$(64,321); revenue received for FY13 was \$12,010, less the direct and allocated expenditures of \$117,987 leaving the cash balance as of August 31, 2012 at \$(170,298).

Ms. Hahn concluded that the budget would continue to go deeper in the red especially in light that the board's request for a fee increase remains unsigned at the Secretary's office.

Discipline Statistics

Ms. Hahn stated the board has 41 open cases; 15 of the 25 cases are in the Enforcement Division at the Investigative stage; 10 cases are in the Probable Cause stage, 3 cases at the APD level; 3 cases are in the informal stage; and 0 cases were in the formal stage. Ms. Hahn added that 22 funeral board Orders are being monitored for compliance by Missy Currier.

Licensee Statistics

Ms. Hahn reported that there are 1,487 Funeral Service Providers, 163 Funeral Interns, 446 Funeral Establishments, 5 Embalmers, 65 Funeral Directors, 333 Funeral Service Supervisors, 60 Branch Establishments, 95 Crematories, 25 Continuing Education Providers, 68 Courtesy Card Holders and 50 Surface Transportation and Removal Services.

Meetings Held

Ms. Hahn reported that the board has been extremely busy this year with a total of 25 meetings held in 2012. She stated that the total number included informal hearings, formal hearings and board meetings.

Virginia Performs – 1st Quarter 2013

Ms. Hahn gave the following Virginia Performs results: 100% rating for issuing licenses in less than 30 days; customer satisfaction was at 100% (goal is 95%); the clearance rate which represents only patient care cases was at 29%; a 100% rating for patient care cases closed within 250 days; the percent of cases closed within 250 days was at 50% which represented 1 out of the 2 cases closed outside of the 250 days; and the pending caseload older than 250 days was 0%.

Facility Inspection Plan

Ms. Hahn reported that she and Ms. Helmick held a meeting with Faye Lemon, Enforcement Director to address the facility inspection plan. Ms. Hahn indicated that last year Enforcement had doubled their inspection hours from 600 hours to 1200 hours in order to complete all facility inspections within the three year plan. Ms. Hahn further stated that recommendations and enhancements were made in order to streamline the process and ensure that the hours are kept to no more than 600 per year.

Ms. Hahn concluded by asking that if anyone had any additional thoughts on the inspection process to let her know as soon as possible. She plans on inviting the inspectors to the January board meeting for a question and answer session.

Presentations

Ms. Hahn reported on the following presentations recently completed or on the schedule:

- VFDA – Tidewater District – Eric Wray – September 2012
- VFDA Winter Conference in Richmond – Lisa Hahn - January 2013
- VFDA Traveling Caravan (1 hour Laws & Regs)
 - Bob Burger – Salem, VA - October 17, 2012
 - Annie Artis – Bassett, VA – November 6, 2012
 - Lynne Helmick – Tidewater Community College - February 18, 2013
 - Lynne Helmick – Fredericksburg, VA – March 7, 2013
 - Lynne Helmick – Chester, VA – March 21, 2013

Pending Projects

- Virtual Funeral Homes - Ms. Hahn shared that staff continue to collect information from the Conference on what other states are doing. Although she had only received information from 8 states, she hopes to have more information to share at the next meeting.
- Examination Review and Process Audit - Ms. Hahn stated that she and Ms. Helmick have begun to conduct a thorough examination audit to ensure that all the questions include current information. Blair Nelsen will assist with the process once all exam questions have been referenced.

2012 New Board Member Orientation

Ms. Hahn shared that Blair Nelsen had been asked by Dr. Reynolds-Cane to be the key note speaker at this year's new board orientation. Ms. Hahn boasted that Blair did an excellent job and was truly a great speaker and made sure to hit the high notes of being an effective board member.

2012/2013 Board Committee's

Ms. Hahn stated that Blair Nelsen had completed his 2012/2013 committee member list and that everyone was provided with the handout. She added that once new members are appointed to the board, Blair would add them to the committee structure.

Status on Carlos Howard

Ms. Hahn shared that Mr. Howard's appeal against the Board's decision will be heard at the Norfolk Circuit Court on Thursday of this week.

Death Certificate Meeting

Ms. Hahn shared that herself, Blair Nelsen and Missy Currier met with Dr. Leah Bush, Dr. William Harp, and Dr. Reynolds-Cane in August to discuss Dr. Bush's message sent out to the funeral profession regarding the signing of death certificates. Ms. Hahn stated that meeting was productive and ended with several recommendations that can hopefully be implemented. She pointed the board to the minutes of the meeting under Tab 2 for the meeting details.

HB1206 from the 2012 General Assembly

Ms. Hahn shared that she attended a meeting at the General Assembly on August 21st with Blair Nelsen and Randy Minter regarding the possible elimination of the requirement that a life insurance policy or annuity contract provide either the 5% or the face value tied to the CPI. She mentioned that Bruce Keeney, Tom Gale, Fred Carter, Bob Oman, Buddy Moore and Pat Loving spoke, as well as several people from the Insurer's Coalition. Additionally, Frank Munyan from the Division of Legislative Services and Brian Gaudiose from SCC Spoke. The Subcommittee concluded by telling the Coalition to get together with members of the profession in an attempt to work out their differences.

Mr. Oman arrived at 10:33 a.m.

Recommendation to DOC regarding issues with the Prerequisites for Cremation

Ms. Hahn brought up that Board staff receives calls from time to time from correctional facilities not having a next of kin to provide visual identification prior to cremation. She indicated that she and Erin Barrett worked on language to address the issue and would like to propose it next year in the agency's legislative package since it was already too late to be included in this year's package. Ms. Hahn also suggested that she contact the Department of Corrections (DOC) to see if they might want to consider obtaining a sponsor to propose the matter now.

Unknown Next of Kin

Ms. Hahn recommended that the Legislative/Regulatory Committee meet prior to the January 2013 board meeting to work on language for instances when there is no known next of kin. Ms. Hahn shared that it was a huge problem and that the issue needs to be addressed by the board. At

the suggestion of the board, Ms. Hahn agreed to poll other states to see how they address the issue and bring the results back to the board at the next meeting.

Ms. Hahn also added that when the Committee meets in January, they will need to work on broadening the Surface Transportation and Removal Service regulations.

Calendar

Ms. Hahn shared the 2013 Board Meeting Calendar dates; January 15th, April 23rd, July 23rd and October 22nd.

PRESENTATION

Mr. Combs, the Director of Policy & Planning for the Virginia Department of Veterans Services made a presentation to the members regarding the Veterans Unclaimed Cremains program. He explained that it is a program following the passage of the 2012 legislation requesting funeral homes to provide DVS with the names of unclaimed cremains in their possession. Mr. Combs shared that the ultimate goal of the program is to be able to bury qualified veterans in a National Cemetery and to provide them with full military honors.

Ms. Hahn thanked Mr. Combs for his presentation and stated that she had posted the letter from DVS addressed to Virginia Funeral Directors on the website and will post the draft of the application form for "Identification of Unclaimed Remains". If the draft is amended, she will replace it on the website.

NEW BUSINESS

Report on Status of Regulations

Ms. Yeatts referred the members to the Chart of Regulatory Actions as of October 1, 2012 included in the agenda package:

18VAC65-20

- Identification of human remains – Close of Comment on NOIRA: 11/7/2012
- NOIRA regarding fee increases – re-proposed remain at the Secretary's Office
- Continuing Education Hours – effective date: 9/26/12

18VAC65-30

- Fast-Track regarding termination of irrevocable trusts – effective date: 11/23/12

Ms. Yeatts informed the board that she has recently been alerted that as part of the Governor's

Regulatory Reform Project, they would be required to conduct a periodic review of 18VAC65-20; 18VAC65-30; and 18VAC65-40. The goal of the review would be to repeal unnecessary regulations that are no longer in use; reduce unnecessary regulatory burdens on individuals, businesses, and other regulated groups; and identify statutes that require unnecessary or overly burdensome regulations.

Ms. Yeatts further stated the board would seek public comment on any issues relating to the review from November 5, 2012 – December 5, 2012.

Mr. Minter responded that Staff had always provided good guidance when assisting with periodic reviews and he felt that they would be very capable of handling the task.

Ms. Yeatts stated that the following clarification needed to be made in the regulations:

- **18VAC65-30-60. Records; general.**

A. A licensee shall keep accurate accounts, books, and records of all transactions required by this chapter.

B. Preneed contracts and reporting documents shall be retained on the premises of the establishment for one year after the death of the contract beneficiary.

C. A funeral home shall keep on file a written verification from the insurance company that the insurance or annuity contract complies with § ~~54.1-2820-B~~ 54.1-2820 C of the Code of Virginia.

Upon a motion by Mr. Oman and properly seconded by Mr. Wray, the board voted to make the change in section 18VAC65-30-60 (C) in order to conform to §54.1-2820 (C) of the Code of Virginia. The motion carried unanimously.

Conflict with FTC Rule and Appendix 1

Ms. Helmick reported that she and Paul Harris of Regulatory Support Services held a meeting with Craig Tregillus in July to discuss the possible conflict with the FTC rule and Appendix 1. Ms. Helmick stated that FTC indicated that it has always been the regulation for the Funeral Home to list on the GPL a separate price for each direct cremation offered where an alternative container is provided. Therefore, if two alternative containers are provided, there should be two separate prices listed. She concluded that FTC was unwilling to make any changes and that the board should therefore change Appendix 1 in order to be in compliance with FTC.

Upon a motion by Mr. Oman and properly seconded by Mr. Wray, the board voted to adopt the required change in Appendix 1 of the Guidance Documents page 4 of 5 Section VII. (B) from “Direct cremation with lowest priced alternative container” to “Direct cremation with (list each alternative container specified in the above disclosure)”. The motion carried unanimously.

New Maryland Statutes

Ms. Hahn reported that she and Erin Barrett, Board Counsel reviewed the Maryland Statutes and both agree that they are unenforceable in Virginia. Ms. Hahn further stated that Maryland cannot enter a Virginia facility and conduct an inspection that would hold any enforceability. The board agreed to Ms. Hahn's suggestion that she contact bordering states to see if they would agree to send a group letter to Maryland explaining their position. Ms. Hahn concluded that regardless of how the other states responded, she would still draft a letter to Maryland on behalf of the Virginia board.

Transferability of Mortuary Affairs MOS into Civilian Sector

Ms. Hahn shared that she had been approached about the possibility of giving military personnel who have worked in the Mortuary Affairs Division some type of credit toward a Funeral Service Internship in Virginia. Ms. Hahn then stated that she and Arne Owens, Agency Executive Deputy Director had scheduled a meeting at Fort Lee where they will meet with officials to review course curriculums and share information about the profession .

Following discussion, Blair Nelsen, Board President suggested that a subcommittee be formed to review the information and then make recommendations to the full board.

ADJOURNMENT:

With no further business before the Board, the meeting adjourned at 11:20 a.m.

Blair Nelsen, President

Lisa R. Hahn, Executive Director

Date

Date

Tab 2

Virginia Department of Health Professions
Cash Balance
As of February 28, 2013

	<u>104- Funeral Directors and Emba</u>
Board Cash Balance as of June 30, 2012	\$ (64,321)
YTD FY13 Revenue	220,615
Less: YTD FY13 Direct and In-Direct Expenditures	<u>457,427</u>
Cash Balance as of February 28, 2013	<u><u>(301,133)</u></u>

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1, 2012 through February 28, 2013

	104- Funeral Directors and Emba			
	<u>Jul '12 - Feb 13</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Revenue				
2400 · Fee Revenue				
2401 · Application Fee	21,200.00	25,425.00	-4,225.00	83.38%
2402 · Examination Fee	0.00			
2406 · License & Renewal Fee	179,400.00	489,470.00	-310,070.00	36.65%
2407 · Dup. License Certificate Fee	90.00	240.00	-150.00	37.5%
2408 · Board Endorsement - In	0.00			
2409 · Board Endorsement - Out	2,500.00	3,850.00	-1,350.00	64.94%
2421 · Monetary Penalty & Late Fees	1,015.00	3,270.00	-2,255.00	31.04%
2430 · Board Changes Fee	3,675.00	3,875.00	-200.00	94.84%
2432 · Misc. Fee (Bad Check Fee)	35.00	35.00	0.00	100.0%
Total 2400 · Fee Revenue	<u>207,915.00</u>	<u>526,165.00</u>	<u>-318,250.00</u>	<u>39.52%</u>
3000 · Sales of Prop. & Commodities				
3002 · Overpayments	0.00			
3007 · Sales of Goods/Svces to State	0.00			
3020 · Misc. Sales-Dishonored Payments	400.00			
Total 3000 · Sales of Prop. & Commodities	<u>400.00</u>			
9000 · Other Revenue				
9060 · Miscellaneous Revenue	12,300.00	3,900.00	8,400.00	315.39%
9084 · Refund- Prior Yr Disb	0.00			
Total 9000 · Other Revenue	<u>12,300.00</u>	<u>3,900.00</u>	<u>8,400.00</u>	<u>315.39%</u>
Total Revenue	220,615.00	530,065.00	-309,450.00	41.62%
Expenditures				
1100 · Personal Services				
1110 · Employee Benefits				
1111 · Employer Retirement Contrib.	3,465.01	5,311.00	-1,845.99	65.24%
1112 · Fed Old-Age Ins- Sal St Emp	2,920.64	4,810.00	-1,889.36	60.72%
1113 · Fed Old-Age Ins- Wage Earners	0.00	0.00	0.00	0.0%
1114 · Group Insurance	474.59	721.00	-246.41	65.82%
1115 · Medical/Hospitalization Ins.	9,974.50	18,410.00	-8,435.50	54.18%
1116 · Retiree Medical/Hospitalizatn	402.92	606.00	-203.08	66.49%
1117 · Long term Disability Ins	195.39	285.00	-89.61	68.56%
Total 1110 · Employee Benefits	<u>17,433.05</u>	<u>30,143.00</u>	<u>-12,709.95</u>	<u>57.83%</u>
1120 · Salaries				
1123 · Salaries, Classified	40,328.72	60,628.00	-20,299.28	66.52%
1125 · Salaries, Overtime	0.00	0.00	0.00	0.0%
Total 1120 · Salaries	<u>40,328.72</u>	<u>60,628.00</u>	<u>-20,299.28</u>	<u>66.52%</u>
1130 · Special Payments				
1131 · Bonuses and Incentives	1,675.50	2,239.00	-563.50	74.83%
1138 · Deferred Compnstrn Match Pmts	279.00	696.00	-417.00	40.09%
Total 1130 · Special Payments	<u>1,954.50</u>	<u>2,935.00</u>	<u>-980.50</u>	<u>66.59%</u>
1140 · Wages				
1141 · Wages, General	0.00	0.00	0.00	0.0%

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2012 through February 28, 2013

104- Funeral Directors and Emba				
	Jul '12 - Feb 13	Budget	\$ Over Budget	% of Budget
1143 · Wages, Overtime	0.00			
Total 1140 · Wages	0.00	0.00	0.00	0.0%
1150 · Disability Benefits				
1153 · Short-trm Disability Benefits	0.00			
Total 1150 · Disability Benefits	0.00			
1160 · Terminatn Personal Svce Costs				
1162 · Salaries, Annual Leave Balanc	0.00			
1165 · Employee Retirement Contributio	0.00	0.00	0.00	0.0%
Total 1160 · Terminatn Personal Svce Costs	0.00	0.00	0.00	0.0%
Total 1100 · Personal Services	59,716.27	93,706.00	-33,989.73	63.73%
1200 · Contractual Services				
1210 · Communication Services				
1211 · Express Services	8.91	200.00	-191.09	4.46%
1212 · Outbound Freight Services	0.00			
1213 · Messenger Services	0.00			
1214 · Postal Services	1,353.35	3,500.00	-2,146.65	38.67%
1215 · Printing Services	2.68	1,500.00	-1,497.32	0.18%
1216 · Telecommunications Svcs (DIT)	192.05	600.00	-407.95	32.01%
1219 · Inbound Freight Services	0.00			
Total 1210 · Communication Services	1,556.99	5,800.00	-4,243.01	26.85%
1220 · Employee Development Services				
1221 · Organization Memberships	0.00	1,200.00	-1,200.00	0.0%
1222 · Publication Subscriptions	0.00	600.00	-600.00	0.0%
1224 · Emp Trning Courses, Wkshp & Cnf	250.00	1,000.00	-750.00	25.0%
1225 · Employee Tuition Reimbursement	0.00	1,000.00	-1,000.00	0.0%
1227 · Emp Trning- Trns, Ldgng & Meals	0.00	800.00	-800.00	0.0%
Total 1220 · Employee Development Services	250.00	4,600.00	-4,350.00	5.44%
1230 · Health Services				
1236 · X-ray and Laboratory Services	0.00			
Total 1230 · Health Services	0.00			
1240 · Mgmnt and Informational Svcs				
1242 · Fiscal Services	25.31	9,520.00	-9,494.69	0.27%
1243 · Attorney Services	0.00			
1244 · Management Services	8.97	120.00	-111.03	7.48%
1246 · Public Infrmtnl & Relation Svcs	8.02			
1247 · Legal Services	370.00	150.00	220.00	246.67%
1248 · Media Services	0.00			
1249 · Recruitment Services	0.00			
Total 1240 · Mgmnt and Informational Svcs	412.30	9,790.00	-9,377.70	4.21%
1250 · Repair and Maintenance Svcs				
1252 · Electrical Rep & Maintenance	0.00			
1253 · Equip Repair & Maintenance	0.00	40.00	-40.00	0.0%
1256 · Mechanical Rep & Maint Svcs	0.00			

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
July 1, 2012 through February 28, 2013

	104- Funeral Directors and Emba			
	Jul '12 - Feb 13	Budget	\$ Over Budget	% of Budget
1257 · Plant Rep & Maintenance Svcs	0.00			
Total 1250 · Repair and Maintenance Svcs	0.00	40.00	-40.00	0.0%
1260 · Support Services				
1263 · Clerical Services	0.00	5,500.00	-5,500.00	0.0%
1264 · Food & Dietary Services	657.42	2,100.00	-1,442.58	31.31%
1266 · Manual Labor Services	193.05	1,200.00	-1,006.95	16.09%
1267 · Production Services	764.24	1,120.00	-355.76	68.24%
1268 · Skilled Services	0.00	3,910.00	-3,910.00	0.0%
Total 1260 · Support Services	1,614.71	13,830.00	-12,215.29	11.68%
1280 · Transportation Services				
1282 · Travel, Personal Vehicle	2,125.14	5,100.00	-2,974.86	41.67%
1283 · Travel, Public Carriers	0.00	700.00	-700.00	0.0%
1284 · Travel, State Vehicles	0.00			
1285 · Travel, Subsistence & Lodging	665.53	1,600.00	-934.47	41.6%
1288 · Trvl, Meal Reimb- Not Rprtbl	220.00	750.00	-530.00	29.33%
Total 1280 · Transportation Services	3,010.67	8,150.00	-5,139.33	36.94%
1297 · Late Payment Penalties	0.00			
Total 1200 · Contractual Services	6,844.67	42,210.00	-35,365.33	16.22%
1300 · Supplies And Materials				
Personal Care Supplies	0.00			
1310 · Administrative Supplies				
1311 · Apparel Supplies	6.03			
1312 · Office Supplies	186.50	1,500.00	-1,313.50	12.43%
1313 · Stationery and Forms	16.99	675.00	-658.01	2.52%
Total 1310 · Administrative Supplies	209.52	2,175.00	-1,965.48	9.63%
1320 · Energy Supplies				
1323 · Gasoline	0.00			
Total 1320 · Energy Supplies	0.00			
1330 · Manufctrng and Merch Supplies				
1335 · Packaging and Shipping Suppl	4.53	85.00	-80.47	5.33%
Total 1330 · Manufctrng and Merch Supplies	4.53	85.00	-80.47	5.33%
1350 · Repair and Maint. Supplies				
1352 · Custodial Rep & Maint Mat'ls	0.00			
1353 · Electrical Repair and Maint	0.00			
Total 1350 · Repair and Maint. Supplies	0.00			
1360 · Residential Supplies				
1362 · Food and Dietary Supplies	0.00	30.00	-30.00	0.0%
1363 · Food Service Supplies	0.90	90.00	-89.10	1.0%
1364 · Laundry and Linen Supplies	0.00			
Total 1360 · Residential Supplies	0.90	120.00	-119.10	0.75%
1370 · Specific Use Supplies				

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1, 2012 through February 28, 2013

	104- Funeral Directors and Emba			
	Jul '12 - Feb 13	Budget	\$ Over Budget	% of Budget
1373 · Computer Operating Supplies	6.54	15.00	-8.46	43.6%
Total 1370 · Specific Use Supplies	<u>6.54</u>	<u>15.00</u>	<u>-8.46</u>	<u>43.6%</u>
Total 1300 · Supplies And Materials	221.49	2,395.00	-2,173.51	9.25%
1400 · Transfer Payments				
1410 · Awards, Contrib., and Claims				
1413 · Premiums	120.00			
1415 · Unemployment Compnsatn Reimb	0.00			
Total 1410 · Awards, Contrib., and Claims	<u>120.00</u>			
Total 1400 · Transfer Payments	120.00			
1500 · Continuous Charges				
S Purch Ch. Card Check Fee	0.00			
1510 · Insurance-Fixed Assets				
1512 · Automobile Liability	0.00			
1516 · Property Insurance	35.74	0.00	35.74	100.0%
Total 1510 · Insurance-Fixed Assets	<u>35.74</u>	<u>0.00</u>	<u>35.74</u>	<u>100.0%</u>
1530 · Operating Lease Payments				
1534 · Equipment Rentals	0.00			
1535 · Building Rentals	7.29			
1539 · Building Rentals - Non State	4,910.99	7,568.00	-2,657.01	64.89%
Total 1530 · Operating Lease Payments	<u>4,918.28</u>	<u>7,568.00</u>	<u>-2,649.72</u>	<u>64.99%</u>
1550 · Insurance-Operations				
1551 · General Liability Insurance	128.27	0.00	128.27	100.0%
1554 · Surety Bonds	7.57	0.00	7.57	100.0%
Total 1550 · Insurance-Operations	<u>135.84</u>	<u>0.00</u>	<u>135.84</u>	<u>100.0%</u>
Total 1500 · Continuous Charges	5,089.86	7,568.00	-2,478.14	67.26%
2200 · Equipment Expenditures				
Educational & Cultural Equip Im	0.00			
Electronic & Photo Equip Impr	0.00			
2210 · Computer Equipment				
2217 · Other Computer Equipment	2.08			
2218 · Computer Software Purchases	286.00			
Total 2210 · Computer Equipment	<u>288.08</u>			
2220 · Educational & Cultural Equip				
2224 · Reference Equipment	0.00	0.00	0.00	0.0%
Total 2220 · Educational & Cultural Equip	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
2230 · Electrnc & Photographic Equip				
2233 · Voice & Data Transmissn Equip	0.00			
Total 2230 · Electrnc & Photographic Equip	<u>0.00</u>			
2260 · Office Equipment				

Virginia Dept. of Health Professions
Revenue and Expenditures Summary
 July 1, 2012 through February 28, 2013

	104- Funeral Directors and Emba			
	Jul '12 - Feb 13	Budget	\$ Over Budget	% of Budget
2261 · Office Appurtenances	0.00	132.00	-132.00	0.0%
2262 · Office Furniture	0.00	0.00	0.00	0.0%
2263 · Office Incidentals	0.37			
2264 · Office Machines	0.00			
2268 · Office Equipment Improvements	0.00			
Total 2260 · Office Equipment	0.37	132.00	-131.63	0.28%
2270 · Specific Use Equipment				
2271 · Household Equipment	0.00			
Total 2270 · Specific Use Equipment	0.00			
Total 2200 · Equipment Expenditures	288.45	132.00	156.45	218.52%
Total Direct Expenditures	72,280.74	146,011.00	-73,730.26	49.5%
9001 · Allocated Expenditures				
9201 · Behavioral Science Exec	0.00			
9202 · Opt\VM\ASLP Exec Dir	0.00			
9204 · Nursing / Nurse Aid	0.00			
9206 · Funeral\LTCA\PT	63,832.92	91,801.18	-27,968.26	69.53%
9301 · DP Operations & Equipment	70,476.65	133,297.80	-62,821.15	52.87%
9302 · Human Resources	7,619.97	12,906.72	-5,286.75	59.04%
9303 · Finance	13,880.14	22,531.80	-8,651.66	61.6%
9304 · Director's Office	7,531.62	13,005.84	-5,474.22	57.91%
9305 · Enforcement	162,251.48	131,100.36	31,151.12	123.76%
9306 · Administrative Proceedings	20,985.60	21,921.48	-935.88	95.73%
9307 · Impaired Practitioners	269.41	38.16	231.25	706.0%
9308 · Attorney General	29,984.19	40,622.16	-10,637.97	73.81%
9309 · Board of Health Professions	4,943.25	9,246.36	-4,303.11	53.46%
9310 · SRTA	0.00			
9311 · Maintenance and Repairs	0.00	442.20	-442.20	0.0%
9313 · Emp. Recognition Program	29.56	374.88	-345.32	7.89%
9314 · Conference Center	91.78	286.44	-194.66	32.04%
9315 · Pgm Devlpmnt & Implmentn	3,151.55	5,474.76	-2,323.21	57.57%
987900 · Cash Trsr Out- Appr Act Pt. 3	98.04	1,580.16	-1,482.12	6.2%
Total 9001 · Allocated Expenditures	385,146.16	484,630.30	-99,484.14	79.47%
Total Direct and In-Direct Expenditures	457,426.90	630,641.30	-173,214.40	72.53%
Net Cash Surplus\Shortfall	-236,811.90	-100,576.30	-136,235.60	235.46%

Virginia Department of Health Professions

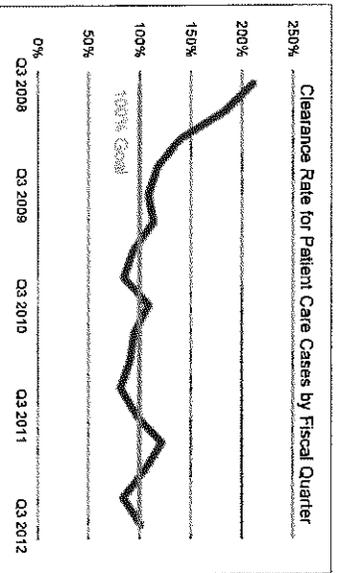
Dianne Reynolds-Cane, M.D.
Director

Patient Care Disciplinary Case Processing Times: Quarterly Performance Measurement, Q3 2008 - Q3 2012

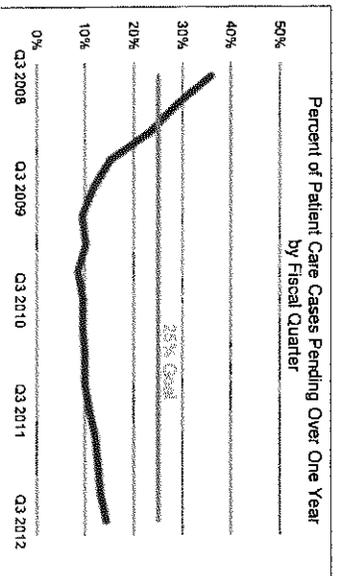
"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."
DHP Mission Statement

In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website. In biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs), KPMs offer a concise, balanced, and data-based way to measure disciplinary case processing. These three measures, taken together, enable staff to identify and focus on areas of greatest importance in managing the disciplinary caseload: Clearance Rate, Age of Pending Caseload and Time to Disposition uphold the objectives of the DHP mission statement. The following pages show the KPMs by board, listed in order by caseload volume; volume is defined as the number of cases received during the previous 4 quarters. In addition, readers should be aware that vertical scales on the line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

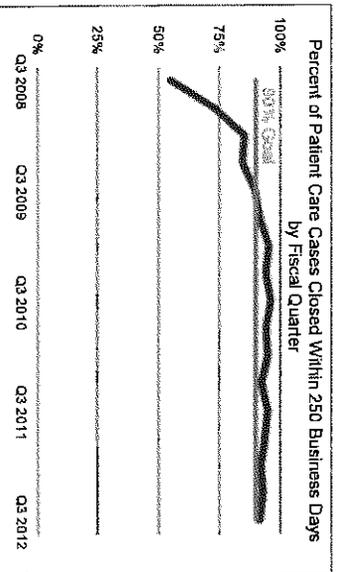
Clearance Rate - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal is to maintain a 100% clearance rate of allegations of misconduct through the end of FY 2012. The current quarter's clearance rate is 101%, with 985 patient care cases received and 998 closed.



Age of Pending Caseload - the percent of open patient care cases over 250 business days old. This measure tracks the backlog of patient care cases older than 250 business days to aid management in providing specific closure targets. The goal is to maintain the percentage of open patient care cases older than 250 business days at no more than 25% through the end of FY 2012. That goal continues to be achieved with the percent of cases pending over 250 business days dropping dramatically from 45% to 15%. For the last quarter shown, there were 1817 patient care cases pending, with 264 pending over 250 business days.



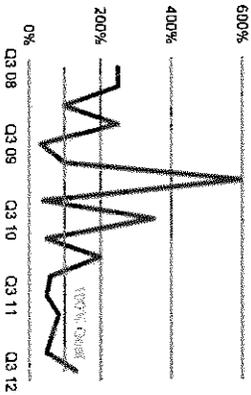
Time to Disposition - the percent of patient care cases closed within 250 business days for cases received within the preceding eight quarters. This moving eight-quarter window approach captures the vast majority of cases closed in a given quarter and effectively removes any undue influence of the oldest cases on the measure. The goal is to resolve 90% of patient care cases within 250 business days through the end of FY 2012. That goal continues to be achieved with 92% percent of patient care cases being resolved within 250 business days this past quarter. During the last quarter, there were 986 patient care cases closed, with 904 closed within 250 business days.



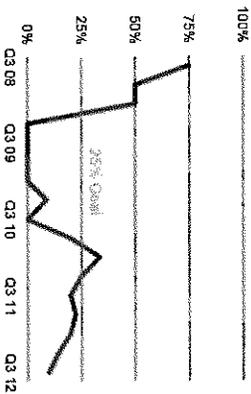
Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

Clearance Rate

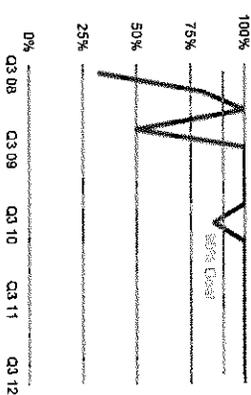
Physical Therapy - In Q3 2012, the clearance rate was 133%, the Pending Caseload older than 250 business days was 100% and the percent closed within 250 business days was 100%.
Q3 2012 Caseloads:
 Received=6, Closed=8
 Pending over 250 days=1
 Closed within 250 days=0



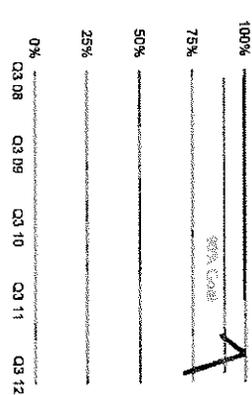
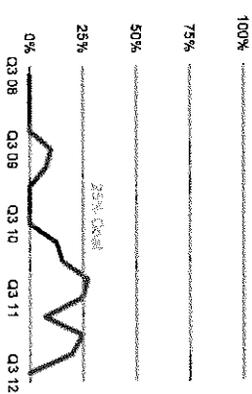
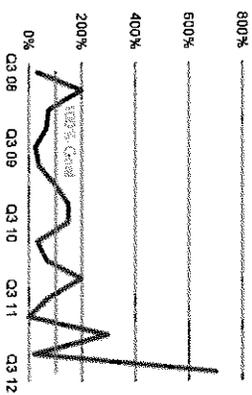
Age of Pending Caseload (percent of cases pending over one year)



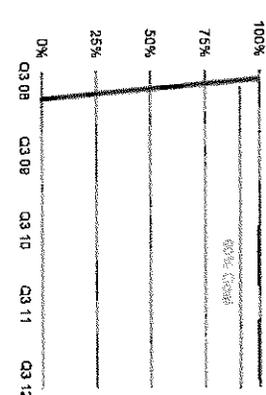
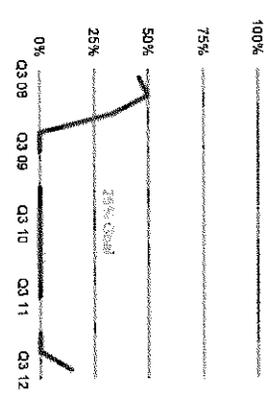
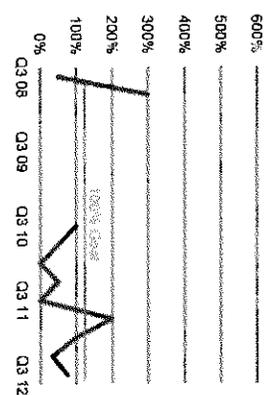
Percent Closed in 250 Business Days



Funeral - In Q3 2012, the clearance rate was 700%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 71%.



Audiology - In Q3 2012, the clearance rate was 75%, the Pending Caseload older than 250 business days was 14% and the percent closed within 250 business days was 100%.



Note: Vertical scales on line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

Disciplinary Case Report for Funeral Directors

April 23, 2013

Investigations	21
Probable Cause	8
APD	7
Informal Stage	2
Formal Stage	2
Total	40

FDE Orders currently being monitored by Compliance Manager - **20**

Data as of 04/08/2013

License Count Report for Funeral Directors

April 23, 2013

Branch Establishment	62
Continuing Education Provider	25
Courtesy Card	63
Crematories	97
Funeral Establishments	427
Funeral Service Interns	140
Embalmer	5
Funeral Service Director	55
Funeral Service Providers	1,441
Funeral Service Supervisors	357
Surface Transportation & Removal Services	43
Total	2,715

Data as of 04/08/2013

Tab 3

Regulatory Actions

Board of Funeral Directors and Embalmers

Board of Funeral Directors and Embalmers

Chapter	Action / Stage Information
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	<u>Action:</u> Identification of human remains <u>Stage:</u> Emergency/NOIRA - Register Date: 10/8/12 Emergency regulation in effect from 10/1/12 to 9/30/13 Proposed regulations to be adopted 4/11/13
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	<u>Action:</u> Fee increase <u>Stage:</u> Re-Proposed - At Secretary's Office for 244 days Regulatory action begun on 3/2/10

Report of the 2013 General Assembly

Board of Funeral Directors and Embalmers

HB 1499 Emergency medical services personnel; administration of medications.

Chief patron: Stolle

Summary as passed:

Administration of medications. Clarifies the circumstances under which emergency medical services personnel may administer medications and provides that emergency medical services personnel may administer medications pursuant to an oral or written order or standing protocol. This bill is identical to SB 773.

02/13/13 House: Impact statement from DPB (HB1499ER)

02/13/13 House: Signed by Speaker

02/14/13 Senate: Signed by President

03/12/13 Governor: Approved by Governor-Chapter 191 (effective 7/1/13)

03/12/13 Governor: Acts of Assembly Chapter text (CHAP0191)

HB 1791 Practitioners; suspension or revocation of license, etc., by health regulatory board.

Chief patron: Garrett

Summary as introduced:

Suspension of license, registration, or certificate by a health regulatory agency; practice pending appeal. Prohibits a practitioner of the healing arts whose license, certificate, registration, or permit has been suspended or revoked by a health regulatory board from engaging in practice pending appeal of the board's order.

02/14/13 House: Impact statement from DPB (HB1791ER)

02/14/13 House: Signed by Speaker

02/14/13 Senate: Signed by President

03/06/13 Governor: Approved by Governor-Chapter 115 (effective 7/1/13)

03/06/13 Governor: Acts of Assembly Chapter text (CHAP0115)

HB 1796 Death certificate; timely return to funeral director.

Chief patron: Cosgrove

Summary as passed House:

Death certificate; timely return to funeral director. Adds the medical director of an institution in which a death occurred, the chief medical officer or medical director of a hospice or nursing home in which a death occurred, or an individual to whom the physician in charge of a patient's care for the illness or condition that resulted in death has delegated such authority to the list of individuals who may complete and sign a death certificate in the absence of the physician in charge of a patient's care for the illness or condition that resulted in death, or with such physician's approval.

02/21/13 House: Bill text as passed House and Senate (HB1796ER)

02/21/13 House: Signed by Speaker

02/22/13 Senate: Signed by President

02/25/13 House: Impact statement from DPB (HB1796ER)

03/25/13 House: Governor's recommendation received by House

SB 1142 Funeral Directors and Embalmers, Board of; licensure of funeral establishments, hardship waivers.

Chief patron: McEachin

Summary as introduced:

Board of Funeral Directors and Embalmers; licensure of funeral establishments; hardship waivers. Authorizes the Board of Funeral Directors and Embalmers to grant a waiver to allow a single full-time manager or funeral director to divide his time between two funeral establishments provided the distance between the two establishments is 50 miles or less. Under current law, the distance between the two establishments is limited to 35 miles or less.

02/13/13 Senate: Impact statement from DPB (SB1142ER)

02/13/13 Senate: Signed by President

02/13/13 House: Signed by Speaker

03/06/13 Governor: Approved by Governor-Chapter 108 (effective 7/1/13)

03/06/13 Governor: Acts of Assembly Chapter text (CHAP0108)

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificate; timely*
 3 *return to funeral director.*

4 [H 1796]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:**8 **§ 32.1-263. Filing death certificates; medical certification; investigation by medical examiner.**

9 A. A death certificate, including, if known, the social security number or control number issued by
 10 the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death
 11 which occurs in this Commonwealth with the registrar of the district in which the death occurred within
 12 three days after such death and prior to final disposition or removal of the body from the
 13 Commonwealth, and shall be registered by such registrar if it has been completed and filed in
 14 accordance with the following requirements:

15 1. If the place of death is unknown, but the dead body is found in this Commonwealth, a death
 16 certificate shall be filed in the registration district in which the dead body is found in accordance with
 17 this section. The place where the dead body is found shall be shown as the place of death. If the date of
 18 death is unknown, it shall be determined by approximation, taking into consideration all relevant
 19 information, including but not limited to, information provided by the immediate family regarding the
 20 date and time that the deceased was last seen alive, if the individual died in his home; and

21 2. When death occurs in a moving conveyance, in the United States of America and the body is first
 22 removed from the conveyance in this Commonwealth, the death shall be registered in this
 23 Commonwealth and the place where it is first removed shall be considered the place of death. When a
 24 death occurs on a moving conveyance while in international waters or air space or in a foreign country
 25 or its air space and the body is first removed from the conveyance in this Commonwealth, the death
 26 shall be registered in this Commonwealth but the certificate shall show the actual place of death insofar
 27 as can be determined.

28 B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or
 29 next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall file the certificate
 30 of death with the registrar. He shall obtain the personal data, including the social security number of the
 31 deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to
 32 § 46.2-342, from the next of kin or the best qualified person or source available and obtain the medical
 33 certification from the person responsible therefor.

34 C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the
 35 funeral director within 24 hours after death by the physician in charge of the patient's care for the illness
 36 or condition which resulted in death except when inquiry or investigation by a medical examiner is
 37 required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972.

38 In the absence of such physician or with his approval, the certificate may be completed and signed
 39 by *the following*: (i) another physician employed or engaged by the same professional practice; (ii) a
 40 physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient
 41 care team as defined in § 54.1-2900 ~~with such physician~~; (iv) the chief medical officer *or medical*
 42 *director, or his designee*, of the institution, *hospice, or nursing home* in which death occurred; (v) a
 43 physician specializing in the delivery of health care to hospitalized or emergency department patients
 44 who is employed by or engaged by the facility where the death occurred; ~~or~~; (vi) the physician who
 45 performed an autopsy upon the decedent; *or (vii) an individual to whom the physician has delegated*
 46 *authority to complete and sign the certificate*, if such individual has access to the medical history of the
 47 case and death is due to natural causes.

48 D. When inquiry or investigation by a medical examiner is required by § 32.1-283 or 32.1-285.1, the
 49 medical examiner shall investigate the cause of death and shall complete and sign the medical
 50 certification portion of the death certificate within 24 hours after being notified of the death. If the
 51 medical examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall
 52 prepare and sign the medical certification portion of the death certificate.

53 E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972
 54 and the physician, nurse practitioner or physician assistant is uncertain about the cause of death, he shall
 55 use his best medical judgment to certify a reasonable cause of death or contact the health district
 56 physician director in the district where the death occurred to obtain guidance in reaching a determination

ENROLLED

HB1796ER

57 as to a cause of death and document the same.

58 If the cause of death cannot be determined within 24 hours after death, the medical certification shall
59 be completed as provided by regulations of the Board. The attending physician or medical examiner
60 shall give the funeral director or person acting as such notice of the reason for the delay, and final
61 disposition of the body shall not be made until authorized by the attending physician or medical
62 examiner.

63 F. A physician, nurse practitioner or physician assistant who, in good faith, signs a certificate of
64 death or determines the cause of death shall be immune from civil liability, only for such signature and
65 determination of causes of death on such certificate, absent gross negligence or willful misconduct.

(HB1796)

GOVERNOR'S RECOMMENDATION

1. Line 42, enrolled, after occurred

strike

; [the comma]

insert

, provided such designee is a doctor of medicine, doctor of osteopathic medicine, physician assistant, or nurse practitioner

2. Line 46, enrolled, after individual

insert

is a doctor of medicine, doctor of osteopathic medicine, physician assistant, or nurse practitioner and

Legislative Information System

Tab 4

Agenda Item: Regulatory Recommendation – replacement of emergency regulations for identification prior to cremation

Included in the agenda package:

A copy of statutory language referenced in regulation

A copy of proposed regulations – which are identical to emergency regulations currently in effect from October 1, 2012 to September 30, 2013

[prev](#) | [next](#)

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the medical examiner as required by § [32.1-284](#) and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § [54.1-2825](#), an agent named in an advance directive pursuant to § [54.1-2984](#), or a sheriff, upon court order, if no next-of-kin, designated person or agent is available. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation.

(1998, c. [867](#); 2010, c. [377](#); 2011, c. [88](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

Proposed Regulations

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Identification of human remains

18VAC65-20-436. Standards for registered crematories or funeral establishments that operate a crematory.

A. Authorization to cremate.

1. In accordance with § 54.1-2818.1 of the Code of Virginia, a crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825 of the Code of Virginia; an agent named in an advance directive pursuant to § 54.1-2984; or a sheriff, upon court order, if no next-of-kin, designated person, or agent is available.

2. The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph signed by the person making the identification. Visual identification may be made by viewing unique identifiers or markings on the remains. The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.

3. In the event visual identification is not feasible, a crematory may use other positive identification of the deceased in consultation with law enforcement, a medical examiner or medical personnel as a prerequisite for cremation pursuant to § 54.1-2818.1 of the Code of Virginia.

B. Standards for cremation. The following standards shall be required for every crematory:

1. Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).
2. A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.
3. A crematory shall not cremate the human remains of more than one person simultaneously in the same retort, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.
4. A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.
5. Whenever a crematory is unable to cremate the remains within 24 hours upon taking custody thereof, the crematory shall maintain the remains in refrigeration at approximately 40° Fahrenheit or less, unless the remains have been embalmed.

C. Handling of human remains.

1. Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form. A cremation container shall substantially meet all the following standards:
 - a. Be composed of readily combustible materials suitable for cremation;
 - b. Be able to be closed in order to provide complete covering for the human remains;
 - c. Be resistant to leakage or spillage; and
 - d. Be rigid enough for handling with ease.

2. No crematory shall require that human remains be placed in a casket before cremation nor shall it require that the cremains be placed in a cremation urn, cremation vault or receptacle designed to permanently encase the cremains after cremation. Cremated remains shall be placed in a plastic bag inside a rigid container provided by the crematory or by the next-of-kin for return to the funeral establishment or to the next-of-kin. If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used. If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next-of-kin so authorized in writing.

3. The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container. The crematory operator shall verify the identification on the remains with the identification attached to the cremation container and with the identification attached to the cremation authorization. The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

D. Recordkeeping. A crematory shall maintain the records of cremation for a period of three years from the date of the cremation that indicate the name of the decedent, the date and time of the receipt of the body, and the date and time of the cremation and shall include:

1. The cremation authorization form signed by the person authorized by law to dispose of the remains and the form on which the next-of-kin or the person authorized by § 54.1-2818.1 of the Code of Virginia to make the identification has made a visual identification of the deceased or evidence of positive identification if visual identification is not feasible;

2. The permission form from the medical examiner;

3. The DEQ permit number of the retort used for the cremation and the name of the retort operator; and

4. The form verifying the release of the cremains, including date and time of release, the name of the person and the entity to whom the cremains were released and the name of the decedent.

Tab 5

Agenda Item: *Periodic Review of Regulations: Governor’s Regulatory Reform Project*

Enclosed are:

- A copy of the Notice of Periodic Review that went to interested parties
-
- Copies of amended regulations as recommended by staff for:

Chapter 20 – General regulations

Chapter 30 – Preneed

Chapter 40 – Resident trainee

Action:

Motion to adopt by fast-track action the amendments to Chapters 20, 30 and 40

Notice of Periodic Review

Board of Funeral Directors and Embalmers

Pursuant to Executive Order 14 (2010) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Funeral Directors and Embalmers is conducting a periodic review of:

18VAC65-20	Regulations of the Board of Funeral Directors & Embalmers
18VAC65-30	Regulations Governing Preneed Funeral Planning
18VAC65-40	Regulations Governing the Resident Trainee Program

The review is part of the **Governor's Regulatory Reform Project with the goal of:**

- a. Repealing regulations that are unnecessary or no longer in use;
- b. Reducing unnecessary regulatory burdens on individuals, businesses, and other regulated groups; and
- c. Identifying statutes that require unnecessary or overly burdensome regulations.

Further, the Board is seeking comment on whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins November 5, 2012 and ends on December 5, 2012.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>.

Comments may also be sent to Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233 or faxed to (804) 527-4434 or emailed to elaine.yeatts@dhp.virginia.gov.

Following the close of the public comment period, a report of the periodic review will be posted on the Town Hall and published in the Virginia Register of Regulations.

Project 3539 - none

BOARD OF FUNERAL DIRECTORS AND EMBALMERS
Regulatory review changes

Part III

Requirements for Licensure

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

A. No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board. The name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of the establishment shall be included on the license.

B. Except as provided in § 54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as prescribed in 18VAC65-20-171. The owner of the establishment shall not abridge the authority of the manager of record relating to compliance with the laws governing the practice of funeral services and regulations of the board.

C. At least ~~45~~ 30 days prior to opening an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A license shall not be issued until an inspection of the establishment has been completed and approved.

D. Within 30 days following a change of ownership, the owner or licensed manager shall 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.

E. The application for licensure of a branch or chapel shall specify the name of the main establishment.

18VAC65-20-171. Responsibilities of the manager of record.

A. ~~The~~ Every funeral establishment shall have a manager of record shall be who is employed full time by and in charge of the establishment for at least 40 hours a week.

B. The manager shall be fully accountable for the operation of the establishment as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-700 during the period in which he serves as manager of record; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

Part IV

Registration

18VAC65-20-400. Registration of surface transportation and removal services.

All persons applying to own or operate a surface transportation and removal service, according to requirements of § 54.1-2819 of the Code of Virginia, shall submit an application package for registration which shall include:

1. A completed and signed application;
2. The fee prescribed in 18VAC65-20-70 A 3; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant, including, but not limited to, evidence of training in the requirements compliance with standards of the Occupational Safety and Health Administration (OSHA) for universal precautions and blood-borne pathogens.

18VAC65-20-435. Registration of crematories.

A. At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the board by submitting a completed application and fee as prescribed in 18VAC65-20-70. The name of the individual designated by the ownership to be the crematory manager shall be included on the application. The owner of the crematory shall not abridge the authority of the crematory manager relating to compliance with the laws governing the practice of funeral services and regulations of the board.

B. Every crematory, regardless of how owned, shall have a manager who has (i) achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board and (ii) received training in compliance with requirements standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and blood-borne pathogens. ~~Every crematory manager registered by the board prior to July 8, 2009, shall have one year from that date to obtain such certification.~~

C. The manager shall be fully accountable for the operation of the crematory as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-436 during the period in which he serves as crematory manager; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

D. All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board. ~~Every operator in a crematory registered by the board prior to July 8, 2009, shall have one year from that date to obtain such certification.~~ Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months.

E. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.

F. The board may take disciplinary action against a crematory registration for a violation of § 54.1-2818.1 of the Code of Virginia or for the inappropriate handling of dead human bodies or remains.

18VAC65-20-436. Standards for registered crematories or funeral establishments that operate a crematory relating to cremation.

A. Authorization to cremate.

1. In accordance with § 54.1-2818.1 of the Code of Virginia, a crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature of the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825 of the Code of Virginia; an agent

named in an advance directive pursuant to § 54.1-2984; or a sheriff, upon court order, if no next-of-kin, designated person, or agent is available.

2. The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph signed by the person making the identification. The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.

3. In the event visual identification is not feasible, a crematory may use other positive identification of the deceased as a prerequisite for cremation pursuant to § 54.1-2818.1 of the Code of Virginia.

B. Standards for cremation. The following standards shall be required for every crematory:

1. Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).

2. A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.

3. A crematory shall not cremate the human remains of more than one person simultaneously in the same retort, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.

4. A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.

5. Whenever a crematory is unable to cremate the remains within 24 hours upon taking custody thereof, the crematory shall maintain the remains in refrigeration at approximately 40° Fahrenheit or less, unless the remains have been embalmed.

C. Handling of human remains.

1. Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form. A cremation container shall substantially meet all the following standards:

- a. Be composed of readily combustible materials suitable for cremation;
- b. Be able to be closed in order to provide complete covering for the human remains;
- c. Be resistant to leakage or spillage; and
- d. Be rigid enough for handling with ease.

2. No crematory shall require that human remains be placed in a casket before cremation nor shall it require that the cremains be placed in a cremation urn, cremation vault or receptacle designed to permanently encase the cremains after cremation. Cremated remains shall be placed in a plastic bag inside a rigid container provided by the crematory or by the next-of-kin for return to the funeral establishment or to the next-of-kin. If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used. If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next-of-kin so authorized in writing.

3. The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container. The crematory operator shall verify the identification on the remains with the identification attached to the cremation container and with the identification attached to the cremation authorization. The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

D. Recordkeeping. A crematory shall maintain the records of cremation for a period of three years from the date of the cremation that indicate the name of the decedent, the date and time of the receipt of the body, and the date and time of the cremation and shall include:

1. The cremation authorization form signed by the person authorized by law to dispose of the remains and the form on which the next-of-kin or the person authorized by § 54.1-2818.1 of the Code of Virginia to make the identification has made a visual identification of the deceased or evidence of positive identification if visual identification is not feasible;
2. The permission form from the medical examiner;
3. The DEQ permit number of the retort used for the cremation and the name of the retort operator; and
4. The form verifying the release of the cremains, including date and time of release, the name of the person and the entity to whom the cremains were released and the name of the decedent.

Part VII Standards for Embalming

18VAC65-20-510. Embalming report.

Every funeral establishment shall record and maintain ~~a separate~~, an identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:

1. The name of the deceased and the date of death;
2. The date and location of the embalming;
3. The name and signature of the embalmer and the Virginia license number of the embalmer; and
4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor.

18VAC65-20-580. Preparation room equipment.

The preparation room or rooms shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal, fiberglass or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer or intern using the room;
11. An electric aspirator or hydroaspirator equipped with a vacuum breaker;
12. An eye wash station that is readily accessible; and
13. A standard first aid kit which is immediately accessible either in the preparation room or outside the door to the preparation room.

18VAC65-30-70. Record reporting.

A. A contract provider shall keep a chronological or alphabetical listing of all preneed contracts. The listing shall include the following:

1. Name of contract buyer;
2. Name of contract beneficiary;
3. Date of contract;
4. How contract was funded;
5. Whether up to 10% of funds are retained by the contract provider for contracts funded through trust; and
6. Whether funeral goods and supplies are stored for the contract buyer.

B. A contract provider who discontinues its business operations shall notify the board and each existing contract buyer in writing.

Part VIII

Required Content of Contracts and Disclosures

18VAC65-30-220. Content of preneed contracts.

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

PRENEED FUNERAL CONTRACT

for

(Name of Recipient of Services)

_____ (Zip) _____

I. SUPPLIES AND SERVICES PURCHASED

If the prices of goods and services are guaranteed, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased	
I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF	\$ _____
II. FUNERAL HOME FACILITIES	
A. Facilities and Staff for visitation/viewing	\$ _____
B. Facilities and Staff for funeral ceremony	\$ _____
C. Facilities and Staff for memorial service	\$ _____
D. Equipment and Staff for graveside service	\$ _____
(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of	

manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)

III. EMBALMING	
A. Normal remains	\$ _____
B. Autopsy remains	\$ _____
IV. OTHER PREPARATION OF THE BODY	\$ _____
(NOTE: List all items that you placed under Other Preparation on your General Price List.)	
V. IMMEDIATE BURIAL	\$ _____
VI. DIRECT CREMATION	\$ _____
VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT	\$ _____
VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME	\$ _____
IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME	\$ _____
X. AUTOMOTIVE EQUIPMENT	
A. Hearse	\$ _____
B. Limousine	\$ _____
(NOTE: List all others that you placed on General Price List.)	
XI. FUNERAL MERCHANDISE	
A. Casket (*describe)	

_____	\$ _____
B. Outer Burial Container (*describe)	

_____	\$ _____
C. List any others	
_____	\$ _____
Supplies Purchased	
Clothing	\$ _____
Temporary marker	\$ _____
Acknowledgment cards	\$ _____
Register/attendance books	\$ _____
Memorial folders	\$ _____
Other	\$ _____
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____

XII. PACKAGE PRICES	
(NOTE: List all package prices by name.)	
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____
Nonguaranteed Goods and Services Purchased	
The actual prices of goods and services below are NOT GUARANTEED. These items may include, but not be limited to, obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:	
SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS:	\$ _____
GRAND TOTAL FOR PRENEED ARRANGEMENTS	
1. Total cost of (guaranteed) services purchased	\$ _____
2. Total cost of (guaranteed) supplies purchased	\$ _____
3. Total estimated cost of nonguaranteed items	\$ _____
GRAND TOTAL	\$ _____
The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home)	
II. GENERAL INFORMATION	
In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:	
A. Buyer:	
B. Funeral Home Providing Services:	
C. Contract seller:	
Employed by: (Funeral Home)	
Virginia Funeral Director License Number:	

Method of Funding

A. Insurance

B. Trust

1. Amount to be trusted:
2. Name of trustee:
3. Disposition of Interest:
4. Fees, expenses, taxes deducted from earned interest:
5. Buyer's responsibility for taxes owned on interest:

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. Buyer:

B. Insurance Company:

C. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director in Virginia: ___yes ___no

Funeral Director License Number (If Applicable):

Employed by Funeral Home (If Applicable):

D. The life insurance or annuity contract provides either that:

_____ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States; or

_____ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.

III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300

Richmond Henrico, Virginia 23233

Telephone Number (804) 367-4479

Toll Free Number 1-800-533-1560

FAX: (804) 527-4413

IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):

_____ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page _____ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

_____ The prices for items under supplies and services are not guaranteed.

VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

(Designee of Funeral Home)

(Buyer)

(Funeral Home)

(Contract Date)

VIII. PENALTIES OR RESTRICTIONS

The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances which apply);
4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):
 - A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and
 - B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

Addendum to Preneed Contract

APPOINTEE AGREEMENT

I appoint _____ of (address) _____ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is _____.

Contract Beneficiary: _____ Date: _____

I accept the request of (contract beneficiary) _____ to assist with his/her preneed arrangements.

Appointee: _____ Date: _____

The foregoing was acknowledged before me this _____ day of _____, 19____

Notary: _____

Date Commission Expires: _____

18VAC65-30-230. Content of disclosure statements.

The following disclosure statements shall be provided as a part of any contract used for preneed funeral planning:

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

PRENEED CONTRACTS

-- Is there more than one type of preneed agreement?

Yes. Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Nonguaranteed means just the opposite. (See the section entitled "General Funding Information" for more information on guaranteed and nonguaranteed costs.)

Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.

-- What are my protections?

You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.

You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.

CANCELLATION

-- Can I cancel my preneed agreement if I change my mind? Will I get my money back?

You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust, the contract seller will refund all the money you have paid plus any interest or income you have earned.

If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30-day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.

There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)

If you have funded your preneed arrangement through an irrevocable trust you will not be able to cancel the trust agreement after 30 days following its execution except in accordance with § 64.2-729 of the Code of Virginia.

If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you

have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.

PAYMENT

-- What happens to my money after the contract is signed?

Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your account prior to receiving the supplies and services under the preneed contract.

Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.

You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.

-- May I pay for goods and services with real estate or personal property?

Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.

If you pay for goods and services with personal property other than cash or real estate, the contract seller, will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The contract seller will confirm in writing that he has received property.

You may decide not to transfer the title of the personal property to the contract seller of your preneed contract. In this situation, you will have to submit information to the contract seller in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.

In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be a separate document.

GENERAL FUNDING INFORMATION

-- If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?

There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose could have insufficient value to cover all expenses.

-- What happens if my funding is not enough to cover the full cost of these arrangements?

If the entire funeral or specific items in the agreement are guaranteed by the contract seller, your family or estate will not have to pay any more for those items provided that you have paid the grand total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one

lump sum, your account may not be enough at the time of your death to cover everything.

-- What happens to the extra money if my funding is more than what is needed to pay for these arrangements?

Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.

After funeral expenses are paid, there may be money left over. Because of the ongoing risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.

Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.

The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements.

Please review your preneed contract and/or funding agreement for answers to these questions.

-- What happens to my preneed contract if I change my assignment from one funeral home to another?

(Funeral home shall place answer here)

-- What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding.

If you make such changes, it could void your contract. You should request specific information from the contract seller and the funding arrangement.

-- What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?

(Funeral home shall place answer here)

-- Do I get any money back if I surrender or cancel my funding arrangements?

(Funeral home shall place answer here)

TRUST ACCOUNT

-- If my money goes into a trust account, what information will I receive about that account?

If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account, the name of the trustee, information about what happens to the interest your trust account will earn, and information about your responsibility to file and pay taxes on that interest.

If there are filing expenses connected with your trust account, you will be notified what the expenses are and whether you or the contract seller is the responsible party for paying those.

-- What happens to the interest earned by the trust?

The interest earned by the trust may be handled in different ways by different trust arrangements. The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account.

Some trust accounts cannot be cancelled.

There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your contract seller for a written list of any fees so you will have a clear understanding about them before you sign the contract.

-- If I pay my trust in premium payments, what happens if I die before the grand total of the funeral has been placed in trust?

(Funeral home shall place answer here)

CLAIMS AGAINST THIS CONTRACT

-- Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?

No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.

-- Can the money or property be taxed?

No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.

GENERAL GOODS AND SERVICES

-- If I choose goods and services that might not be available at the time of my death, what is the provider required to do?

The funeral home which you select is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death.

Your representative or next-of-kin will have the right to choose the supplies or services to be substituted. However, if the substitute is more expensive than the item originally selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.

If, before your death, the funeral home goes out of business or is otherwise unable to fulfill its obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.

If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.

-- May I choose the exact item I want now and have the funeral home store it until my death?

If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or contract seller agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.

For example, what would happen if you select a casket which is in-stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (i) damage occurs, (ii) the funeral home or supplier goes out of business, (iii) the funeral home or supplier is sold, etc.? You need to be assured in writing of protection in these types of situations.

-- What happens if I choose to have a unique service that is not customary or routine in my community? Must the funeral home comply with my wishes?

The funeral home which you have chosen to conduct your service may be able to only provide certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract.

If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of fees which you will be charged.

-- Will the funeral home agree to transport my body to another area for burial?

Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.

If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.

-- I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?

This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the fees involved if they can be determined and guaranteed at this time.

However, the preneed contract arrangements and funding is considered portable. This means that they are available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.

PRICING

-- How will I know that the prices of items which I select are the same for everyone?

The funeral home maintains a general price list and a casket and outer burial container price list. Your contract seller will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the contract seller will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges.

-- What is meant by guaranteed and nonguaranteed prices?

Some contract sellers may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

Guaranteed prices are those that will not increase for your family or estate at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns. Nonguaranteed prices are those which might increase or decrease. The nonguaranteed prices may be written in at the time of this contract with you understanding that the price is an estimate

only and may increase or decrease. A settlement to that effect may have to be made with your family or representative after your death.

-- Can the contract seller and I negotiate a projected charge for the nonguaranteed items based on the rate of inflation?

It is entirely up to the contract seller to inform you of the funeral home policy in that regard.

CASKETS AND CONTAINERS

-- Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

-- Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

-- Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

EMBALMING

-- Is embalming always required?

Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for embalming you did not approve if you select arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.

ASSISTANCE

-- This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?

You may designate in writing a person of your choice to work with the funeral home and contract seller either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.

-- Where can I complain if I have a problem concerning my preneed contract, the contract seller, or the funeral home?

You may direct your complaints or concerns to:

The Board of Funeral Directors and Embalmers
9960 Mayland Drive, Suite 300
Richmond Henrico, Virginia 23233
Telephone Number (804) 367-4479
Toll Free Number 1-800-533-1560

Part I
General Provisions

18VAC65-40-10. Definitions

In addition to words and terms defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Direct supervision" means that a licensed funeral service professional is present and on the premises of the facility.

"Supervisor" means a licensed employee at the training site who has been approved by the board to provide supervision for the funeral intern.

"Training site" means the licensed funeral establishment, facility or institution which has agreed to serve as ~~the~~ a location for a funeral service internship and has been approved by the board.

18VAC65-40-90. Renewal of registration.

A. The funeral service intern registration shall expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service intern is responsible for notifying the board within 14 days of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.

18VAC65-40-220. Qualifications of training site.

A. The board shall approve only an establishment or two combined establishments to serve as the training site or sites which:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have 50 or more funerals and 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site.

B. The board may grant approval for a resident trainee to receive all or a portion of the embalming training at a facility of state government or an accredited educational institution.

18VAC65-40-250. Requirements for supervision.

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have 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, facility or institution where training occurs.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.

D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

E. If a supervisor is unable or unwilling to continue providing supervision, the funeral service intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

18VAC65-40-320. Reports to the board.

A. The intern, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding period; and
2. Be received in the board office no later than ~~40~~ 14 days following the end of the completion of 1,000 hours. Late reports may result in additional time being added to the internship.

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.
2. Partial reports shall be received in the board office no later than ~~40~~ 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. Credit may be deducted for late reports.

Tab 6

Excerpt from the October 16, 2012 Board of Funeral Directors and Embalmers Meeting:

New Maryland Statutes

Ms. Hahn reported that she and Erin Barrett, Board Counsel reviewed the Maryland Statutes and both agree that they are unenforceable in Virginia. Ms. Hahn further stated that Maryland cannot enter a Virginia facility and conduct an inspection that would hold any enforceability. The board agreed to Ms. Hahn's suggestion that she contact bordering states to see if they would agree to send a group letter to Maryland explaining their position. Ms. Hahn concluded that regardless of how the other states responded, she would still draft a letter to Maryland on behalf of the



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

November 19, 2012

Ruth Ann Arty, Executive Director
Maryland Board of Morticians & Funeral Directors
4201 Patterson Avenue
Baltimore, MD 21215

Dear Ms. Arty,

I was looking forward to discussing with you Maryland's recent statutory change concerning funeral homes outside of the State of Maryland. I called your office on Tuesday as scheduled but was not able to reach you.

The Virginia board met on October 16, 2012 and discussed Maryland's recent statutory change. We understand the impetus behind this legislation and the legislature's desire to protect the citizens of Maryland. However, the board was surprised by the scope of this legislation in that the Maryland board has no jurisdiction to regulate Virginia Funeral Homes or enforce Maryland's laws on Virginia's funeral homes. Further, the unenforceability of that law is not affected by an agreement between the Maryland Board and a Virginia funeral home.

If the Maryland board has concerns about a Virginia Funeral home the appropriate action is to notify the Virginia Board so that we can investigate and take action when necessary.

Please contact me if you would like to discuss this any further.

Sincerely,

A handwritten signature in black ink that reads "Lisa R. Hahn".

Lisa R. Hahn, Executive Director
Board of Funeral Directors & Embalmers

Approved by Governor 5/22/12

SENATE BILL 415

J1, J2

2lr2364
CF HB 540

By: **Senators Montgomery, Benson, Colburn, Forehand, Garagiola, Madaleno, Manno, McFadden, Peters, Pugh, Ramirez, Raskin, ~~and Robey~~ Robey, and Stone**

Introduced and read first time: February 1, 2012

Assigned to: Education, Health, and Environmental Affairs and Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2012

CHAPTER _____

1 AN ACT concerning

2 **Handling Human Remains with Dignity Act of 2012**

3 FOR the purpose of requiring a funeral establishment or crematory, on taking custody
4 of the body of a decedent in accordance with all authorizations required by law,
5 to maintain the body in a certain manner; requiring a funeral establishment or
6 crematory to maintain the body of a decedent with refrigeration and at a certain
7 temperature under certain circumstances; requiring a funeral establishment or
8 a crematory to notify the State Board of Morticians and Funeral Directors or the
9 Office of Cemetery Oversight and a certain other person if the funeral
10 establishment or crematory cannot comply with certain provisions of this Act;
11 specifying that a certain notice must be given within a certain time period and
12 include certain information; prohibiting the body of a decedent from being
13 embalmed or artificially preserved except under certain circumstances;
14 requiring a funeral establishment or crematory to store the body of a decedent
15 at a specified location; prohibiting a funeral establishment, crematory, or
16 transportation service from transporting or storing the body of a decedent
17 together with certain other remains; prohibiting the body of a decedent, while in
18 the custody of a funeral establishment or crematory, from being transported to a
19 certain facility except under certain circumstances; authorizing the ~~Board~~ State
20 Board of Morticians and Funeral Directors and the Office of Cemetery
21 Oversight to take certain disciplinary action against a licensee or permit holder
22 who fails to comply with certain provisions of this Act; and generally relating to
23 the transportation and storage of bodies of decedents.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
2 Article – Business Regulation
3 Section 5–101(a) and (g)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Business Regulation
8 Section 5–310(a)(11) and (12)
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2011 Supplement)

11 BY adding to
12 Article – Business Regulation
13 Section 5–310(a)(13)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2011 Supplement)

16 BY adding to
17 Article – Health – General
18 Section 5–513
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Health Occupations
23 Section 7–101(a) and (d)
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Health Occupations
28 Section 7–316(a)(30) and (31)
29 Annotated Code of Maryland
30 (2009 Replacement Volume and 2011 Supplement)

31 BY adding to
32 Article – Health Occupations
33 Section 7–316(a)(32)
34 Annotated Code of Maryland
35 (2009 Replacement Volume and 2011 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
37 MARYLAND, That the Laws of Maryland read as follows:

38 Article – Business Regulation

1 5-101.

2 (a) In this title the following words have the meanings indicated.

3 (g) "Director" means the Director of the Office of Cemetery Oversight.

4 5-310.

5 (a) Subject to the hearing provisions of § 5-312 of this subtitle, the Director
6 may deny a registration or permit to an applicant, reprimand a person subject to the
7 registration or permit provisions of this title, or suspend or revoke a registration or
8 permit if an applicant, registrant, or permit holder, or an agent, employee, officer,
9 director, or partner of the applicant, registrant, or permit holder:

10 (11) fails to comply with any terms of settlement under a binding
11 arbitration agreement; [or]

12 (12) is found guilty by a court in this State of violating an unfair or
13 deceptive trade practices provision under Title 13 of the Commercial Law Article; OR

14 (13) FAILS TO COMPLY WITH § 5-513 OF THE HEALTH - GENERAL
15 ARTICLE.

16 **Article - Health - General**

17 **5-513.**

18 (A) **ON TAKING CUSTODY OF THE BODY OF A DECEDENT IN**
19 **ACCORDANCE WITH ALL AUTHORIZATIONS REQUIRED BY LAW, A FUNERAL**
20 **ESTABLISHMENT OR CREMATORY SHALL MAINTAIN THE BODY IN A MANNER**
21 **THAT PROVIDES FOR COMPLETE COVERAGE OF THE BODY AND PREVENTS**
22 **LEAKAGE OR SPILLAGE EXCEPT DURING:**

23 (1) **IDENTIFICATION, EMBALMING, OR PREPARATION OF AN**
24 **UNEMBALMED BODY FOR FINAL DISPOSITION;**

25 (2) **RESTORATION AND DRESSING OF A BODY IN PREPARATION**
26 **FOR FINAL DISPOSITION; AND**

27 (3) **VIEWING DURING A VISITATION OR FUNERAL SERVICE.**

28 (B) **IF THE UNEMBALMED BODY OF A DECEDENT IS TO BE STORED FOR**
29 **MORE THAN ~~72~~ 48 HOURS BEFORE FINAL DISPOSITION, A FUNERAL**
30 **ESTABLISHMENT OR CREMATORY SHALL MAINTAIN THE BODY WITH**

1 REFRIGERATION AND AT A TEMPERATURE ~~LOWER THAN 44 DEGREES~~
2 ~~FAHRENHEIT~~ DETERMINED BY REGULATION.

3 (C) (1) IF A FUNERAL ESTABLISHMENT OR CREMATORY CANNOT
4 SECURE THE BODY OF A DECEDENT OR CANNOT STORE THE BODY AS REQUIRED
5 IN SUBSECTION (B) OF THIS SECTION DUE TO AN UNFORESEEN CIRCUMSTANCE,
6 THE FUNERAL ESTABLISHMENT OR CREMATORY SHALL NOTIFY THE STATE
7 BOARD OF MORTICIANS AND FUNERAL DIRECTORS OR THE OFFICE OF
8 CEMETERY OVERSIGHT AND THE PERSON AUTHORIZED TO ARRANGE FOR THE
9 FINAL DISPOSITION OF THE BODY UNDER § 5-509 OF THIS SUBTITLE.

10 (2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF
11 THIS SUBSECTION SHALL:

12 (I) BE MADE WITHIN 24 HOURS AFTER THE OCCURRENCE
13 OF THE UNFORESEEN CIRCUMSTANCE; AND

14 (II) INCLUDE THE NAME AND LOCATION OF THE FACILITY
15 WHERE THE BODY IS BEING TRANSFERRED, THE REASON FOR THE TRANSFER,
16 AND THE METHOD OF STORAGE.

17 (D) THE BODY OF A DECEDENT MAY NOT BE EMBALMED OR
18 ARTIFICIALLY PRESERVED WITHOUT:

19 (1) THE EXPRESS PERMISSION OF THE PERSON AUTHORIZED TO
20 ARRANGE FOR THE FINAL DISPOSITION OF THE BODY UNDER § 5-509 OF THIS
21 SUBTITLE; OR

22 (2) A COURT ORDER.

23 (E) A FUNERAL ESTABLISHMENT OR CREMATORY SHALL STORE THE
24 BODY OF A DECEDENT UNTIL FINAL DISPOSITION AT ~~A LOCATION APPROVED BY~~
25 ~~THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS FOR THAT~~
26 ~~FUNERAL ESTABLISHMENT OR CREMATORY;~~

27 (1) A FUNERAL ESTABLISHMENT LICENSED UNDER TITLE 7 OF
28 THE HEALTH OCCUPATIONS ARTICLE;

29 (2) A CREMATORY LICENSED UNDER TITLE 7 OF THE HEALTH
30 OCCUPATIONS ARTICLE;

31 (3) A CREMATORY PERMITTED UNDER TITLE 5 OF THE BUSINESS
32 REGULATION ARTICLE; OR

1 **(4) ANOTHER FACILITY THAT HAS PASSED AN INSPECTION WITH**
 2 **THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS OR THE OFFICE**
 3 **OF CEMETERY OVERSIGHT WITHIN THE PAST 2 YEARS.**

4 **(F) A FUNERAL ESTABLISHMENT, CREMATORY, OR TRANSPORTATION**
 5 **SERVICE MAY NOT TRANSPORT OR STORE THE BODY OF A DECEDENT TOGETHER**
 6 **WITH ANIMAL REMAINS IN THE SAME CONFINED SPACE.**

7 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 8 **SUBSECTION, WHILE THE BODY OF A DECEDENT IS IN THE CUSTODY OF A**
 9 **FUNERAL ESTABLISHMENT OR CREMATORY IN THE STATE, THE BODY MAY NOT**
 10 **BE TRANSPORTED FOR PREPARATION OR STORAGE TO A FACILITY THAT IS NOT**
 11 **WITHIN THE JURISDICTION OF THE STATE ~~OR~~, LICENSED BY THE STATE BOARD**
 12 **OF MORTICIANS AND FUNERAL DIRECTORS, OR PERMITTED BY THE OFFICE OF**
 13 **CEMETERY OVERSIGHT.**

14 **(2) THE BODY OF A DECEDENT MAY BE TRANSPORTED FOR**
 15 **PREPARATION OR STORAGE TO A FACILITY THAT IS NOT WITHIN THE**
 16 **JURISDICTION OF THE STATE ~~OR~~, LICENSED BY THE STATE BOARD OF**
 17 **MORTICIANS AND FUNERAL DIRECTORS, OR PERMITTED BY THE OFFICE OF**
 18 **CEMETERY OVERSIGHT IF:**

19 **(I) THE FACILITY HAS ENTERED INTO A WRITTEN**
 20 **AGREEMENT WITH THE STATE BOARD OF MORTICIANS AND FUNERAL**
 21 **DIRECTORS OR THE OFFICE OF CEMETERY OVERSIGHT TO ALLOW THE STATE**
 22 **TO MAKE UNANNOUNCED INSPECTIONS OF THE FACILITY; AND**

23 **(II) THE PERSON AUTHORIZED TO ARRANGE FOR THE FINAL**
 24 **DISPOSITION OF THE BODY UNDER § 5-509 OF THIS SUBTITLE ~~HAS:~~**

25 **1. HAS GIVEN WRITTEN PERMISSION FOR THE BODY**
 26 **TO BE TRANSPORTED TO THE FACILITY; OR**

27 **2. A. HAS GIVEN ORAL PERMISSION FOR THE**
 28 **BODY TO BE TRANSPORTED TO THE FACILITY; AND**

29 **B. WITHIN 36 HOURS AFTER GIVING ORAL**
 30 **PERMISSION, PROVIDES WRITTEN VERIFICATION OF THE ORAL PERMISSION.**

31 **Article - Health Occupations**

32 **7-101.**

33 **(a) In this title the following words have the meanings indicated.**

1 (d) "Board" means the Maryland State Board of Morticians and Funeral
2 Directors.

3 7-316.

4 (a) Subject to the hearing provisions of § 7-319 of this subtitle and except as
5 to a funeral establishment license, the Board may deny a license to any applicant,
6 reprimand any licensee, place any licensee on probation, or suspend or revoke any
7 license if the applicant or licensee:

8 (30) Fails to comply with inspection requirements in the time specified
9 by the Board; [or]

10 (31) Fails to provide the Board the certification required under §
11 7-405(i) of this title; OR

12 (32) FAILS TO COMPLY WITH § 5-513 OF THE HEALTH - GENERAL
13 ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General



DAN FRIEDMAN
Counsel to the General Assembly

SANDRA BENSON BRANTLEY
BONNIE A. KIRILAND
KATHRYN M. ROWE
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

May 10, 2012

The Honorable Martin O'Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401-1991

Re: *House Bill 540 and Senate Bill 415*

Dear Governor O'Malley:

We have reviewed House Bill 540 and Senate Bill 415, identical bills titled "Handling Human Remains with Dignity Act of 2012," for constitutionality and legal sufficiency. While we approve the bills, we note that a severable portion may violate the Commerce Clause of the United States Constitution.

House Bill 540 and Senate Bill 415, which was legislation requested by the State Board of Morticians and Funeral Directors, establish requirements for the proper handling of bodies by funeral establishments and crematories. The impetus for the legislation was an exposé by *The Washington Post* that revealed disturbing practices used by a regional clearinghouse that embalms and stores bodies for area funeral homes. Current law regarding the handling of bodies simply requires that before burial or interment a mortician affix an identification tag containing specified information about the decedent and, if the body is cremated, that the tag is placed in the container with the cremains. In addition, the funeral establishment is required to have an approved holding room, but is not required to have a refrigeration unit on the premises.

House Bill 540 and Senate Bill 415 outline numerous requirements and standards for funeral establishments that will help ensure that human remains are handled appropriately, safely, and with dignity. We see no legal infirmity in nearly all of the new standards. One subsection, however, raises a constitutional issue. The legislation prohibits the transportation of a body "for preparation or storage to a facility that is not within the jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight" unless, among other things,

The Honorable Martin O'Malley
May 10, 2012
Page 2

"[t]he facility has entered into a written agreement with the State Board of Morticians and Funeral Directors or the Office of Cemetery oversight to allow the State to make unannounced inspections of the facility." Page 5, lines 14 – 22. We believe there is a risk that a court would find that the foregoing provision violates the Commerce Clause.

The Commerce Clause of the United States Constitution, Art. 1, § 8, cl. 3, grants to Congress the power to regulate commerce among the states. The Supreme Court has long interpreted this clause as a barrier to states from regulating interstate commerce even in the absence of federal law. *Gibbons v. Ogden*, 22 U.S. 1 (1824). "When a State proceeds to regulate commerce ... among the several States, it is exercising the very power that is granted to Congress, and is doing the very thing which Congress is authorized to do." *Id.* at 10.

The constitutional grant of authority to Congress to regulate interstate commerce "has long been understood, as well, to provide 'protection from state legislation inimical to the national commerce [even] where Congress has not acted.'" This "negative command, known as the dormant Commerce Clause," prohibits States from legislating in ways that impede the flow of interstate commerce. The dormant Commerce Clause's limitation on State power, however, "is by no means absolute. In the absence of conflicting federal legislation the States retain authority under their general police powers to regulate matters of 'legitimate local concern,' even though interstate commerce may be affected."

Star Scientific, Inc. v. Beales, 278 F.3d 339, 354-55 (4th Cir. 2002) (citations omitted).

The federal courts have developed a two-tiered test for determining whether a state statute violates the Commerce Clause. "When a state statute directly regulates or discriminates against interstate commerce, or when its effect is to favor in-state economic interests over out-of-state interests,' the statute is generally struck down 'without further inquiry.'" *Id.* at 355. The first tier "asks whether a 'statute clearly discriminates against interstate commerce,' or has the 'practical effect of regulating extraterritorially.'" *Volvo Trademark Holding Aktieboaget v. AIS Construction Equipment Corp.*, 416 F. Supp. 2d 404 (W.D.N.C. 2006).

The Honorable Martin O'Malley
May 10, 2012
Page 3

Under the second tier, applicable in the situation where a state statute indirectly affects interstate commerce, a court will apply the test developed by the Supreme Court in *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

Where the statute regulates even-handedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree. And the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.

Id. at 142 (citation omitted).

A state may not regulate commerce that takes place wholly outside of the state's borders. *Healy v. Beer Institute*, 491 U.S. 324, 336 (1989) (declaring unconstitutional a Connecticut law that required liquor distillers to affirm that the price it sold its products to Connecticut wholesalers was no higher than the price of the same items sold by the distiller in any other state). The Court declared that Connecticut may not adopt a scale of prices for use in other states. *Id.* See also *Brown-Forman Distillers Corp. v. New York State Liquor Authority*, 476 U.S. 573 (1986); *Edgar v. MITE Corp.*, 457 U.S. 624 (1982) (declaring that a state law that required any takeover offer for shares of a company which was at least ten percent owned by Illinois shareholders be registered with the Illinois Secretary of State had a "sweeping extraterritorial effect," and hence, unconstitutional). In *Brown*, the Court considered how the challenged statute would "interact with the legitimate regulatory schemes of other States." 457 U.S. at 579. "States and localities may not attach restrictions to exports or imports in order to control commerce in other states." *C & A Carbone, Inc. v. Clarkstown*, 511 U.S. 383 (1994).

In this case, for an out-of-state facility to receive a body from a Maryland funeral establishment, it must agree to submit its operations and premises to the oversight and inspection of Maryland regulators. "[A]ssertions of extraterritorial jurisdiction violate the dormant Commerce Clause ... by subjecting activities to inconsistent regulations." *Morley-Murphy Co. v. Zenith Electronics Corp.*, 142 F.3d 373, 379 (7th Cir. 1998); see also *Nat'l Solid Wastes Management Ass'n v. Meyer*, 63 F.3d 652 (7th Cir. 1995)

The Honorable Martin O'Malley

May 10, 2012

Page 4

("NSWMA") (finding that a Wisconsin statute which barred landfill operators from accepting waste from other states unless the other state had adopted an "effective recycling program" violated the Commerce Clause); *Rocky Mtn. Farmers Union v. Goldstene*, 2011 U.S. Dist. LEXIS 149593 (E.D. Ca.) (holding that a state regulation requiring the use of corn ethanol in California which assigned a greater "carbon intensity" to ethanol made in other states violated the Commerce Clause because, among other things, it attempted to control farming practices in other states).

It is possible, however, that even if a court found that House Bill 540 and Senate Bill 415 discriminate against interstate commerce on its face, the bills may still be upheld if the discrimination is "demonstrably justified by a valid factor unrelated to economic protectionism." *Wyoming v. Oklahoma*, 502 U.S. 437, 454 (1992). "Once a state law is shown to discriminate against interstate commerce 'either on its face or in practical effect,' the burden falls on the State to demonstrate both that the statute 'serves a legitimate local purpose,' and that this purpose could not be served as well by available nondiscriminatory means." *Maine v. Taylor*, 477 U.S. 131, 138 (1986)(citation omitted). In the *Taylor* case, the Court upheld a state statute that banned importation of certain species of fish because the law was shown to be the only way to protect the local fishery. On the other hand, in *NSWMA*, the Seventh Circuit noted that the Wisconsin statute at issue, rather than requiring another state to adopt a "Wisconsin-style" recycling program before a Wisconsin landfill may accept waste from that state, Wisconsin could simply require "that all waste entering the State first be treated at a materials recovery facility with the capacity to effect this separation." 63 F.3d at 662.

Maryland is certainly justified in seeking to ensure that when someone in Maryland transports a decedent from the State, the body is going to a place where the deceased's remains will be handled safely and treated with dignity. And yet, it is possible a court could find that there are other ways to further this legitimate local concern without regulating extraterritorially such as requiring a transit permit or proof that the other state would allow the facility to accept the body. All things considered, and applying our "not clearly unconstitutional" standard of review, we find that this section is not clearly unconstitutional. Notwithstanding, even if a court finds that the requirement that an out-of-state facility enter into an agreement with the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight to submit to unannounced inspections before a body of a decedent may be transported to it is unconstitutional, our view is that that provision would most likely be found to be severable. Maryland law expressly provides for severability. Maryland Code, Art. 1, §23. Moreover, where a provision of a bill is found to be unconstitutional, it is generally presumed, "even in the

The Honorable Martin O'Malley
May 10, 2012
Page 5

absence of an express clause or declaration, that a legislative body generally intends its enactments to be severed if possible." *Davis v. State*, 294 Md. 370, 383 (1982). Thus, "when the dominant purpose of a statute may largely be carried out notwithstanding the invalid provision, courts will ordinarily sever the statute and enforce the valid portion." *Id.* at 384. It is clear that the purpose of the legislation can be accomplished without the offending language. As a result, it is our view that, if the provision applicable to out-of-state requirement was to be found unconstitutional, it would be severable from the remainder of the legislation.

Very truly yours,



Douglas F. Gansler
Attorney General

DFG/SBB/kk

cc: The Honorable John P. McDonough
Joseph Bryce
Karl Aro

Withdrawn 3/28/13

HOUSE BILL 906

J1

3lr2039

By: **Delegates Kach and Reznik**

Introduced and read first time: February 7, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Handling of Human Remains – Transportation**

3 FOR the purpose of authorizing the transportation of a body of a decedent for
4 preparation and storage to a certain facility that is licensed by a State
5 regulatory board or is subject to inspection by a certain individual rather than a
6 facility that has entered into a certain agreement with the State Board of
7 Morticians and Funeral Directors or the Office of Cemetery Oversight; and
8 generally relating to the handling of human remains.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 5–513(g)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2012 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 5–513.

18 (g) (1) Except as provided in paragraph (2) of this subsection, while the
19 body of a decedent is in the custody of a funeral establishment or crematory in the
20 State, the body may not be transported for preparation or storage to a facility that is
21 not within the jurisdiction of the State, licensed by the State Board of Morticians and
22 Funeral Directors, or permitted by the Office of Cemetery Oversight.

23 (2) The body of a decedent may be transported for preparation or
24 storage to a facility that is not within the jurisdiction of the State, licensed by the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 State Board of Morticians and Funeral Directors, or permitted by the Office of
2 Cemetery Oversight if:

3 (i) The facility [has entered into a written agreement with the
4 State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight
5 to allow the State to make unannounced inspections of the facility] **RECEIVING THE**
6 **BODY OF THE DECEDENT IS LICENSED BY A STATE REGULATORY BOARD OR IS**
7 **SUBJECT TO INSPECTION BY AN INDIVIDUAL AUTHORIZED BY THE STATE;** and

8 (ii) The person authorized to arrange for the final disposition of
9 the body under § 5-509 of this subtitle:

10 [1.] (I) Has given written permission for the body to be
11 transported to the facility; or

12 [2.] (II) [A.] 1. Has given oral permission for the body to
13 be transported to the facility; and

14 [B.] 2. Within 36 hours after giving oral permission,
15 provides written verification of the oral permission.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.

Tab 7

Currier, Missy (DHP)

From: Hahn, Lisa R. (DHP)
Sent: Wednesday, March 13, 2013 1:17 PM
To: Currier, Missy (DHP)
Subject: FW: Guardian Cremation Authorization

I want to share this information with the board in April.

From: Barrett, Erin L. [<mailto:EBarrett@oag.state.va.us>]
Sent: Wednesday, March 13, 2013 1:01 PM
To: Hahn, Lisa R. (DHP); Yeatts, Elaine J. (DHP)
Subject: RE: Guardian Cremation Authorization

Thanks Lisa. I looked into the review of the 2012 bill on this end. I'm surprised Carrie and Howard weren't alerted to it since 64.2-2019(F) clearly impacts funeral services. I do not think it conflicts with the statutes and regulation Lynne cited, although it would be nice if a reference to 2019(F) was included in the code sections. From a legal perspective, I would consider the guardian the representative of the next-of-kin, which is accounted for in the existing funeral statutes and regulation.

Erin L. Barrett
Assistant Attorney General
Health Services Section
900 East Main Street
Richmond, Virginia 23219
Direct: (804) 786-1840
Fax: (804) 371-8718
ebarrett@oag.state.va.us

From: Hahn, Lisa R. (DHP) [<mailto:Lisa.Hahn@DHP.VIRGINIA.GOV>]
Sent: Wednesday, March 13, 2013 11:16 AM
To: Barrett, Erin L.; Yeatts, Elaine J. (DHP)
Subject: FW: Guardian Cremation Authorization

Erin and Elaine,

Lynne sent me the email below and I thought I would share it with you. I wasn't aware that this Code was recently changed but this is good information to have. It will also be helpful to funeral directors dealing with these types of situations.

Lisa

From: Helmick, Lynne (DHP)
Sent: Tuesday, March 12, 2013 9:09 AM
To: Hahn, Lisa R. (DHP)
Subject: FW: Guardian Cremation Authorization

Lisa,

Please see attached statute 64.2-2019. Part F was added to this statute in 2012. I don't recall hearing about this. Does this create any problems for 18VAC65-20-436 A, 54.1-2807 B, or 54.1-2818.1.

Ms. Snodgrass has a body for cremation in which there is no next-of-kin but has a guardian. The guardian is invoking 64.2-2019. Mr. Snodgrass is a little worried about the situation. I think that since there is no next-of-kin there should not be a problem even though our statute and regs do not include guardian in the language.

Lynne Helmick, MPA

Deputy Executive Director

Board of Funeral Directors and Embalmers

Board of Long-Term Care Administrators

Board of Physical Therapy

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233-1463

804-786-4094

From: Snodgrass, Jennifer [<mailto:jsnodgrass@stei.com>]

Sent: Monday, March 11, 2013 3:57 PM

To: Helmick, Lynne (DHP)

Subject: FW: Guardian Cremation Authorization

It helps if you have the attachment. Sorry.

Jennifer Snodgrass

Location Manager

Everly-Wheatley Funeral Home

1500 W. Braddock Road

Alexandria, VA 22302

Phone: 703-998-9200

Fax: 703-845-0827

From: Snodgrass, Jennifer

Sent: Monday, March 11, 2013 3:55 PM

To: 'lynne.helmick@dhp.virginia.gov'

Subject: Guardian Cremation Authorization

Dear Ms. Helmick;

Thank you for taking time to speak with me today regarding Guardian rights for cremation. Attached is the statue we spoke of earlier. Please let me know if I can be of further assistance. Thank you.

Jennifer Snodgrass

Location Manager

Everly-Wheatley Funeral Home

1500 W. Braddock Road

Alexandria, VA 22302

Phone: 703-998-9200

Fax: 703-845-0827

Tab 8

GRAVES FUNERAL HOME
1631 Church Street - Norfolk, Virginia 23504

~Facsimile Cover Sheet~

Date: March 11, 2013

RE: Service for Joseph Brothers on Friday
February 22

Destination of Transmission

<u>Name (s)</u>	<u>Telephone Number</u>	<u>Fax Number</u>
Ms. Lisa Hahn	1 (804) 367-4424	1 (804) 527-4413

Originator of Transmission

<u>Name (s)</u>	<u>Telephone Number</u>	<u>Fax Number</u>
Tommy Graves III	1-757-622-1085	1-757-624-1508

Additional Notes:

If any part of this transmission is not legible, please contact us immediately for retransmission at 1-757-622-1085.

Number of sheets including cover -2-



WOODLAWN

FUNERAL HOME AND CREMATORY
WOODLAWN MEMORIAL GARDENS

www.woodlawngroup.com

Woodlawn Funeral Home
and Crematory, Inc.
6329 Virginia Beach Boulevard
Norfolk, Virginia 23502
757-455-2838 Fax 757-455-5997

Woodlawn Memorial Gardens, Inc.
6309 Virginia Beach Boulevard
Norfolk, Virginia 23502
757-461-4054 Fax 757-461-2273

February 28, 2013

Re: The Service for [REDACTED] on Friday, February 22, 2013

On behalf of Woodlawn Memorial Gardens, I wanted to reach out and thank you for working with Woodlawn to provide services for [REDACTED]. I did want to touch base with you on one issue that arose after the family had left the cemetery as it relates to complying with Woodlawn's rules.

Your firm was scheduled to arrive at the cemetery at 1:40 pm. Woodlawn already had another service scheduled to arrive at the cemetery at 12:45 so closing the [REDACTED] without a delay was already going to be challenging. As I understand it from my staff, your firm arrived approximately 20 – 25 minutes early. When services do not enter the gardens as scheduled, Woodlawn does everything it possibly can to accommodate the services, however, when it comes time to close the graves, Woodlawn closes them in the order they were scheduled (assuming the service arrived as scheduled). In this particular situation, it meant that Woodlawn had to close [REDACTED] service before coming to close your service. As it turns out, Woodlawn had a staff change at the grave site and when my staff switched coverage, the Funeral Director for [REDACTED] service left the property without the grave being closed.

By way of a reminder, Woodlawn's rules (the Board of Funeral Directors and Embalmers as well) require that a funeral director remain at the grave until the grave is closed. Woodlawn's definition of a "closed grave" is at minimum that the casket has been lowered, the vault lid placed *and the first bucket of dirt has been placed* into the grave. While not common, many things can occur in the early process of closing the grave that can require the Funeral Home's assistance. The bulk of the risk is diminished once the first bucket of dirt has been placed on the vault lid. Woodlawn makes every effort to close graves promptly and efficiently though it is possible that on a busy day you could have to wait for the closing team to finish closing another service.

Fortunately there were no issues with this closing and there was a Woodlawn representative present until the flowers were placed. In the future, Woodlawn requires [REDACTED] to assure a Funeral Director remains at the grave until the first bucket of dirt is placed.

Woodlawn Memorial Gardens appreciates your business and we look forward to working together for the benefit of our families.

Respectfully,


Pamela Bowles
Director of Operations



Serving Your Family's Need In One Convenient Location
www.woodlawngroup.com

Tab 9

WOODLAWN

FUNERAL HOME AND CREMATORY
WOODLAWN MEMORIAL GARDENS

www.woodlawngroup.com
February 21, 2013

Woodlawn Funeral Home
and Crematory, Inc.
6329 Virginia Beach Boulevard
Norfolk, Virginia 23502
767-455-2838 Fax 767-455-5997

Woodlawn Memorial Gardens, Inc.
6309 Virginia Beach Boulevard
Norfolk, Virginia 23502
757-461-4054 Fax 757-461-2273

[REDACTED]

Fax: 625-7175

[REDACTED]

Our records show that your insurance coverage is:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Expired | <input checked="" type="checkbox"/> Automobile Liability (<i>Either</i>
\$1,000,000.00 <i>OR</i> Commercial Auto with
no specified minimum <i>AND</i> \$1,000,000.00
Umbrella Coverage) |
| <input type="checkbox"/> Expiring soon | <input checked="" type="checkbox"/> Business Liability (\$1,000,000.00) |
| <input type="checkbox"/> Does not meet
Woodlawn's required
minimum coverage - | <input checked="" type="checkbox"/> Workman's Compensation Liability
(\$500,000/\$500,000/\$500,000) |

We require any person or company providing services or merchandise within the boundaries of Woodlawn Memorial Gardens, to provide a current Certificate of Insurance for Worker's Compensation, Automobile Liability and Comprehensive Business Liability Insurance. The minimum liability limits are stated above. *Please note that we have reduced the minimum liability limits for Worker's Compensation from prior years and we have attempted to provide some flexibility for meeting the Auto Liability limits.*

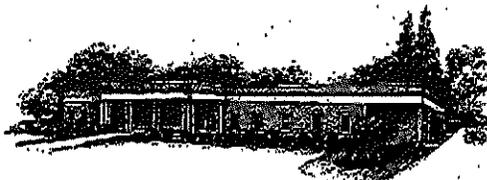
Please fax a current certificate to our office so that your company may continue operating on our premises.

You may contact me at 461-4054 if there are any questions concerning our insurance requirements.

Sincerely,

Julia Ellis

Julia Ellis,
Cemetery Administrator



Serving Your Family's Need In One Convenient Location
www.woodlawngroup.com

804
527 4413



CERTIFICATE OF LIABILITY INSURANCE

COMM-3

OP ID: RA

DATE (MM/DD/YYYY)

04/03/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Savage & McPherson Ins Agcy Inc
P O Box 1683
Chesapeake, VA 23327
William S. Brown II

757-547-7131
787-547-9131

CONTACT NAME:
PHONE (A/C No. Ext):
FAX (A/C No.):
E-MAIL ADDRESS:

INSURED



INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Zurich Insurance Services Inc	19366
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	INSR LTR	POLICY NUMBER	POLICY EXP (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GENL. AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (EG ASSURANCE) \$ MED EXP (ANY one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		PAS00646614	12/27/12	12/27/13	COMBINED SINGLS LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) (If yes, describe under DESCRIPTION OF OPERATIONS below)	N/A				<input type="checkbox"/> INC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Fax: 757-465-5937

CERTIFICATE HOLDER

Woodlawn Funeral Home & Crematory, Inc.
8329 Virginia Beach Blvd.
Norfolk, VA 23602

CANCELLATION

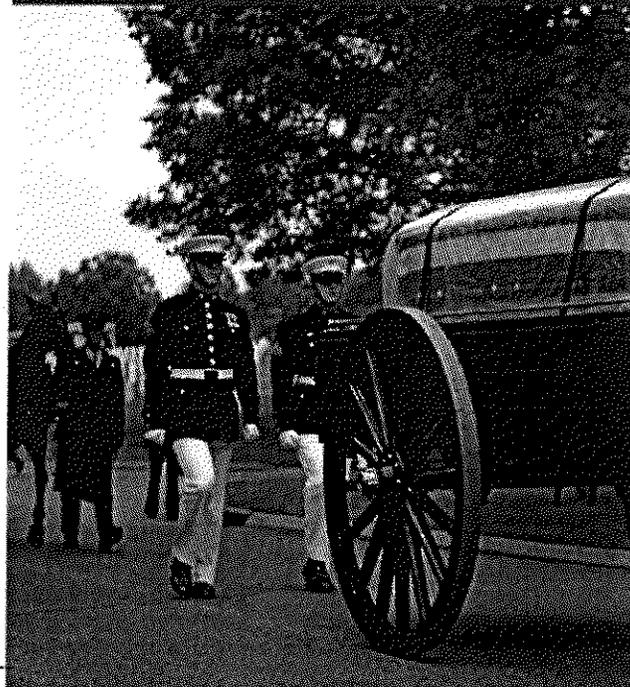
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

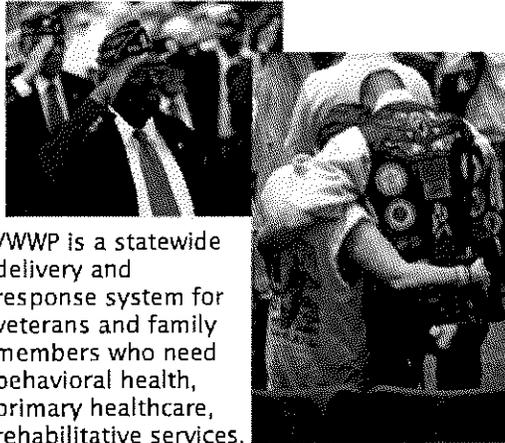
Tab 10

**Honor
your loved one
by helping a
Virginia veteran**

Your contribution to the
Virginia Wounded Warrior Program
will help a Virginia veteran and his
or her family.



The Virginia Wounded Warrior Program (VWWP) serves Virginia's veterans, members of the National Guard and Reserves not in active federal service, and their families.



VWWP is a statewide delivery and response system for veterans and family members who need behavioral health, primary healthcare, rehabilitative services, and community support across the state.

Five regional programs offer case management, care coordination, linkages to healthcare, behavioral healthcare and veterans benefits, including financial assistance and employment services.

VWWP is different from other wounded warrior programs and projects. All donations to VWWP are reserved for Virginia veterans of all eras and their families.

Provide information on how to donate to the program. Donations should be made to the Virginia Wounded Warrior Program, c/o the Virginia Service Foundation, 900 East Lane, Suite 100, Charlottesville, VA 22904.



Contributions may be tax exempt under U.S. Code Section 170 (c) and Code of Virginia §2.2-2719. Donations can be used only for the VWWP and cannot revert to the Commonwealth's General Fund.



Printing contributed by EASI Printing Services, Saluda, VA.

Families can now designate donations to Virginia Veterans and Their Families

The Virginia Wounded Warrior Program (VWWP) of the Virginia Department of Veterans Services serves Virginia's veterans, members of the National Guard and Reserves not in active federal service and their families. VWWP is a statewide delivery and response system for veterans and family members needing behavioral health, primary healthcare, rehabilitative services and community support across the Commonwealth. Five regional programs offer case management, care coordination, linkages to healthcare, behavioral health care and veterans benefits, including financial assistance and employment services.

VWWP is different from the national Wounded Warrior Project in that it serves Virginia. All donations to VWWP are reserved for Virginia veterans and their families. The national Wounded Warrior Project, based in Jacksonville, FLA, is a non-profit organization that serves wounded warriors all over the country and reserves its assistance for those who have served since September 11, 2001. VWWP serves ***Virginia veterans*** of any era statewide.



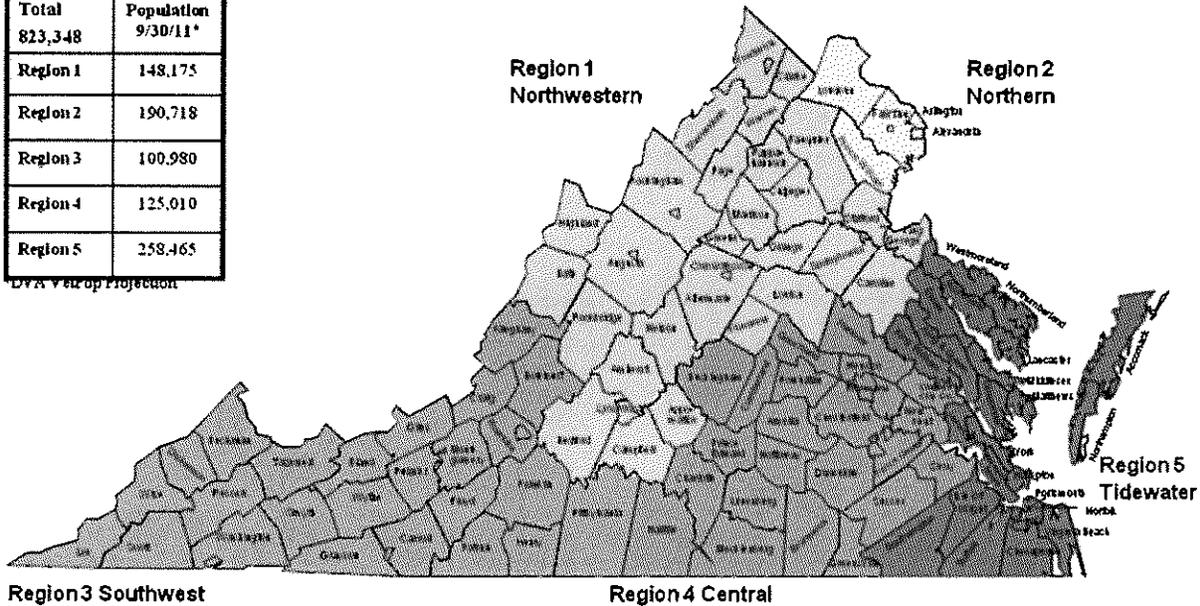
WOUNDED WARRIOR PROJECT

Regional Consortia

June 10, 2011 edition

Statewide Total	Veterans Population 9/30/11*
823,348	
Region 1	148,175
Region 2	190,718
Region 3	100,980
Region 4	125,010
Region 5	258,465

DVA Veteran Projection



Statewide toll free number: 1-877-285-1299.

In all 5 programs of the VWWP as illustrated by the regional map above, peer support and family support programs offer opportunities locally for veterans to reconnect with other veterans. Families can connect with a Regional Director in each area to learn more about the services offered.

The effects of combat stress and multiple deployments away from home create stress on the military service member and his or her family. However, because of their training and stigma, military service members are frequently unwilling to talk about any problems they are having as a result of their service to their country. Having a fellow service member to talk with can be a life saver for someone struggling with night terrors, flashbacks or inability to concentrate or to sleep. Just knowing that others have experienced the same problem and have been helped by treatment may be the first step in making that connection back to their health care benefits and supportive services.

In State Fiscal Year 2012, the VWWP provided services to 5283 veterans and family members. VWWP provides briefings at community events, on military bases, at statewide conferences, sporting events and anywhere that veterans, military service members or their families may be.

Private donations to VWWP can be made through the Veterans Services Foundation. These funds are used to supplement needs that state funds cannot reimburse, such as one-time financial assistance, short-term housing, transportation to medical care, or essential needs of the family.

If families are interested in donating to Virginia Veterans and their families, please ask them to direct contributions to:

The Virginia Wounded Warrior Program*
c/o the Veterans Services Foundation
Attn: Jack Hilgers
900 East Main Street, 6th Floor
Richmond, VA 23219
Or online at www.dvs.virginia.gov/donations.shtml

*Contributions may be tax exempt under U.S. Code Section 170 (c) and *Code of Virginia* §2.2-2719. Donations can be used only for the VWWP and cannot revert to the Commonwealth's General Fund. The Veterans Services Foundation is subject to annual audit by the Commonwealth's Auditor of Public Accounts.