



DEPARTMENT OF
HEALTH PROFESSIONS
6606 W. Broad Street
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Robert Nebiker, DHP
Director

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2002-2003

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It has truly been an honor to serve on the Board of Funeral Directors and Embalmers for the Commonwealth of Virginia. It has also been an honor to serve with the other board members that hold true the same values and share the same passion for the funeral profession and consumers that each of us are so privileged to serve. Along with that honor, we have the huge responsibility of regulation. This is a responsibility that each of us takes very seriously.

As you will read below, in the Spring of this year, Governor Warner signed into law the Continuing Education legislation. I appreciate the efforts of all that supported this legislation, as I believe this will prove to be beneficial to both our licensees and to the consumer. The work for our board however is just beginning. This year we will create the regulations that will determine how we will move forward with continuing education in Virginia. We will hold three public hearings this year around the state to provide an opportunity for as many of you as possible to have a voice in this process. We encourage your support and opinions with this most important task.

I must also take this opportunity to thank our board staff for their dedication and commitment to the profession. Our staff is a valuable resource to all funeral service providers. I urge you to feel free to reach out to them for support should you ever have a question about the laws and regulations that govern our profession.

Thank you for your commitment and support and I look forward to the upcoming year of service to both our profession and the Commonwealth of Virginia.

Paul C. Whitten
President
Virginia Board of Funeral Directors and Embalmers

CONTINUING EDUCATION COMES TO VIRGINIA

On July 1, 2002, a continuing education law became effective for funeral providers, funeral directors, and funeral embalmers. The 2002 Virginia General Assembly passed House Bill 837, which grants the Board of Funeral Directors and Embalmers the authority to create continuing education regulations for its licensees. The law provides that the Board shall not mandate more than five hours per renewal period directly related to the respective license and scope of practice of funeral service. The law also prohibits continuing education courses for which the purpose is to promote, sell, or offer goods; products or services are not acceptable for the fulfillment of the continuing education requirements. The law grants the Board the authority to grant exemptions or waivers in cases of illness or undue hardship. Lastly, the law provides for the creation of an inactive status for licensees who do not practice in Virginia. The Board adopted proposed regulations at its June 4, 2002 and again at its September 10, 2002 meetings and the regulations will be published in the next six months. Public hearings to receive comment regarding the proposed regulations will be held in the late-fall of 2002. All licensees will be notified of the proposed regulations.

BOARD INSPECTS ALL CREMATORIES REGISTERED IN VIRGINIA

In March of 2002, the Department of Health Professions inspected all 54 crematories registered within the state. The inspections were done due to the public questioning of events in Georgia and the issue of public safety for the residents of the Commonwealth. The Department found no major irregularities and many crematories provided positive response during the inspection process. The Board instated the three-year inspection cycle for the crematories beginning this year. If a crematory serves as a branch of a funeral service establishment, both facilities will be inspected on the day of inspection and vice-versa. Based on the survey results, the Board will not promulgate new regulations for crematories at this time.

DEPARTMENT RELOCATION

From November 8-10, the Department of Health Professions will relocate to new offices at **6603 West Broad Street**. The telephone numbers for the Department and the Board of Funeral Directors and Embalmers will remain the same.

Virginia Regulatory Town Hall

Would you like a fast and convenient way to follow what the Board of Funeral Directors and Embalmers is doing on regulations? If so, check out the Virginia Regulatory Town Hall at www.townhall.state.va.us. As a registered user of the Town Hall, you can receive e-mail notification about the regulatory actions and meetings of the Board.

The Town Hall offers a gold mine of information and interactive features relating to state regulations. It is also a free service of the Commonwealth of Virginia, available 24/7.

“ASK YOUR FUNERAL BOARD”

1. A funeral service licensee receives a call to pick up a body from a nursing home. The nursing home stated that the family requested that specific funeral home to provide funeral services. The body is transported to the funeral home. The funeral home has not spoken to the next of kin to obtain permission to embalm the body. Without the next of kin's permission, the funeral service licensee proceeds to embalm the body. May the funeral service licensee and his funeral home charge the family for the cost of embalming?

Answer: Maybe. According to 18 VAC 65-20-510 of the general regulations governing funeral practice, **a licensee who proceeds with an embalming without prior approval from a family member or other person shall document in writing the reasons for the proceeding, the efforts made to contact the family or authorized person and the licensee authorizing the embalming. Subsequently, approval for the embalming shall be obtained from a family member or other authorized person.** The regulation implies that the next of kin shall authorize the procedure of embalming, in writing or orally. If the next of kin fails to authorize the embalming of the body and does not want the procedure completed, the funeral service licensee may not have the authority to charge the next of kin. It is considered a legitimate charge if the next of kin agrees to the embalming of the body.

2. A funeral service licensee receives a death call in the middle of the night from a family. The family authorizes the funeral home to embalm the body prior to discussion of funeral goods and services. The funeral home embalms the body. The next day the family decides to use a neighboring funeral home. The family owes you the fee for embalming, but refuses to pay. May a funeral home withhold the body from the family for non-payment of services?

Answer: No, the law prohibits a funeral service licensee from holding a body from the next of kin for non-payment of services. 54.1-2806 (14) of Code of Virginia provides that, **the Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes: Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody.**

3. A resident trainee has completed his apprenticeship, completed mortuary school and passed the national examination. He continues to work in the funeral home as he waits to take the state examination. What tasks may he perform?

Answer: Recently the Board requested an interpretation of 54.1-2817 of the Code of Virginia from its legal counsel. The section of the Code states, **The successful completion by any person of the resident traineeship shall not entitle him to any privilege except to be examined for such license.** Counsel advised the Board that once the requirements for the traineeship have been completed, a trainee is then entitled to be examined for licensure, but he or she cannot continue to engage in the practice of funeral services beyond completion of the traineeship.

4. A preneed buyer wishes to ensure that his friend make his final funeral arrangements at the time of his death. She also has one child. At the time of her death, does the friend of the deceased man have the authority to fulfill his wishes in the preneed contract?

Answer: A purchaser of the contract or preneed buyer may appoint an individual to make his preneed arrangements. The funeral service licensee may provide an agreement, which grants the friend of the purchase (or appointee) the authority to make the preneed funeral arrangements for the contract purchase. 18 VAC 65-30-220 (VII) of the regulations governing preneed laws prescribes the form of the appointee agreement, which allows the contract purchaser to select a person to make the preneed arrangements. In making the final arrangement (at need), the rights of the next of kin supercede the wishes as outlined in the preneed contract. If a person wishes to ensure that their original contract is fulfilled and wishes another person, besides the next of kin, to carry out the arrangement, he may wish to have a designee agreement prepared and executed. 54.1-2825 of the *Code of Virginia* states, **any person may designate in a signed and notarized writing, which has been accepted in writing by the person so designated, an individual which shall make arrangements for his burial or the disposition of this remains including cremation upon his death.** If the preneed contract has a designee agreement attached to the document, the designee agreement provides who makes the at need final arrangements of the contract purchaser or deceased.

**FAMILY ACCESS TO MEDICAL INSURANCE SECURITY
(FAMIS)**

Governor Warner has made enrolling children in a health insurance plan a top priority of his administration. The Department of Medical Assistance Services, which administers the program is also implementing several changes to improve the coordination between Medicaid and FAMIS programs, including the adoption of single income level for Medicaid eligibility for children, the development of a single child health insurance application form, and uniform verification procedures. In Virginia, a family of four with a yearly income of \$36,200 will qualify for FAMIS. Families with lower incomes may qualify for Medicaid. If you know of any families that you believe may qualify for one of these programs, more information is available by calling the toll-free number, 1-866-873-2647, or by checking the website for the program (www.famils.org).

UPCOMING BOARD MEETINGS FOR 2002

DATE	TIME	TYPE OF MEETING	DETAILS	LOCATION
11/20/2002	9:00 a.m.	Formal Hearing	Formal Hearing	6606 W. Broad St., 5 th Floor, Room #1
12/03/2002	9:00 a.m.	Board Meeting	Discuss general Board business and issues.	6603 W. Broad St., 5 th Floor, Room #1
12/03/2002	1:00 p.m.	Formal Hearings	Formal Hearings	6603 W. Broad St., 5 th Floor, Room #1
12/17/2002	9:00 a.m.	Special Conference Committee	Informal Hearings	6603 W. Broad St., 5 th Floor, Room #1
01/28/2003	9:00 a.m.	Special Conference Committee	Informal Hearings	6603 W. Broad St., 5 th Floor, Room #1
02/25/2003	9:00 a.m.	Special Conference Committee	Informal Hearings	6603 W. Broad St., 5 th Floor, Room #1
03/04/2003	9:00 a.m.	Board Meeting	Discuss general Board business and issues.	6603 W. Broad St., 5 th Floor, Room #1

To find out if a meeting has been cancelled or rescheduled, please call the Board's office at 804/662-9907.

NEW BOARD MEMBERS	2002 EXAMINATION SCHEDULE	
<p>In 2001, J. Michael Williams of Richmond, Virginia, was appointed to the Virginia Board of Funeral Directors and Embalmers. Mr. Williams works for Joseph Bliley and Sons Funeral Home and has been a licensee for over 29 years. Mr. Williams replaces Charles Reynolds, Jr., who ended his term. Michael brings with him a wealth of experience in funeral service.</p> <p>Marceita Glenn, Citizen Member ended her term June 30, 2002 with the appointment of Ms. Pratt Stelly. Ms. Stelly is the Human Resources Director for the Department of Professional and Occupational Regulation.</p> <p>Governor Warner appointed Joseph Jenkins, Jr., of Richmond, Virginia, in 2002. He is the owner of Joseph Jenkins Jr. Funeral Home. Mr. Jenkins replaces Mr. Charles Morehead who did not seek reappointment.</p> <p>On July 1, 2002, Alane Miles was appointed as Citizen member and resides in Richmond, Virginia. She replaces Anne L. Hubble of Roanoke, Virginia.</p> <p>The Board sincerely thanks Ms. Glenn, Mr. Morehead and Ms. Hubble for their contributions to the Board.</p>	<p>November 27, 2002 December 11, 2002 January 8, 2003 February 12, 2003 March 12, 2003 April 9, 2003 May 14, 2003 June 11, 2003 July 9, 2003 August 13, 2003 September 10, 2003 October 8, 2003 November 12, 2003 December 10, 2003</p>	<p>Lynchburg Richmond Richmond Norfolk Lynchburg Richmond Richmond Norfolk Norfolk Lynchburg Richmond Norfolk Lynchburg Richmond Norfolk</p> <p>NOTE: All applications and required documentation <i>must</i> be received in the Board's office not less than 45 days prior to a scheduled examination.</p>

CONGRATULATIO



The following funeral service applicants passed their FSL Examination:

Anneka Bass
Michael Bliley
Tom Boudinot
Timothy Briggs
Jennifer Brooks
Brian Burke
Patrick Burton
Linda Douglas
Leslie Doyle
Danielle Fitchett
Tina Fuerholzer
Roberta Hodge
Jason Johnson
Valerie Jeffress
Patricia Latimore
Dean Marnell
Derek McAninch
James McCarthy
Doris McClenny
Whitney Meredith
Nikia Newman
MaryBeth Olexy
John O'Dacre
Michael Post
Charles Puckett
Dana Rygas
Kienta Savoy
Christopher Saxon
Michelle Shepherd
Scott Slaven
Christopher Smith
Michael Strickland
Amanda Thurmond
Julie Trobaugh
David Twiford
Jeffrey Usher
Kevin Whiting
Meredity Whitney
Mark Willey
Christine Williams

DISCIPLINARY ACTIONS

- **Nancy Barnett, FSL**
Findings: Served as manager of record and resided in another state and inspection deficiencies cited.
Sanctions: Surrendered right to renew license.
Order Entered: June 4, 2002
- **Fenton Bland, F.S.L.**
Findings: Failed to provide Itemized statement of Funeral Goods and Services to client.
Sanctions: Continued generally upon one unannounced records audit.
Order Entered: December 18, 2001
- **Timothy Bradley, FSL**
Findings: Allowed unlicensed employee to assist with embalming human remains.
Sanctions: Reprimand and monetary penalty.
Order Entered: April 29, 2002
- **Robert Brunson, F.S.L.**
Findings: Failed to provide and maintain a general price list and itemized statement of funeral goods and services.
Sanctions: Reprimand and monetary penalty.
Order Entered: November 8, 2001
- **Henry Davis, F.S.L.**
Findings: Engaged in unlicensed activity and represented himself as a funeral service licensee to the public.
Sanctions: Reprimand.
Order Entered: October 5, 2001
- **Gilmore Funeral Home, Funeral Service Establishment**
Findings: Unlicensed owner discussed at need arrangements and presented itemized statement of goods and services.
Sanctions: Reprimand, monetary penalty and two years probation with two unannounced inspections.
Order Entered: May 15, 2002
- **Bryan W. Gravely, F.S.L.**
Findings: Failed to ensure that resident trainee's reports were submitted to the Board.
Sanctions: Reprimanded.
Order Entered: October 5, 2001
- **E. Twyman Greene, F.S.L.**
Findings: Offered preneed discounts.
Sanctions: Reprimand and monetary penalty.
Order Entered: May 16, 2002
- **Deana Kelly, F.S.L.**
Findings: Practiced as a funeral service provider without a license.
Sanctions: Reprimand and monetary penalty.
Order Entered: June 13, 2002
- **Michael Kelly, F.S.L.**
Findings: Practiced as a funeral service provider without a license.
Sanctions: Reprimand and monetary penalty.
Order Entered: June 13, 2002
- **Rosalind Knight, F.D.**
Findings: Failed to respond to inspection deficiencies.
Sanctions: Reprimand and monetary penalty.
Order Entered: April 23, 2002
- **Knight Funeral Home, Inc., Funeral Service Establishment**
Findings: Failed to respond to inspection deficiencies.
Sanctions: Reprimand and monetary penalty.
Order Entered: April 23, 2002

- **Valanti Lambert, F.S.L.**
Findings: Failed to record a preneed deposit and submit it to the insurance application company.
Sanctions: Reprimand and monetary penalty.
Order Entered: November 16, 2000

- **Ronnell Pearson, F.S.L.**
Findings: Failed to provide a general price list and failed to file a death certificate in a timely manner.
Sanctions: Reprimand and monetary penalty.
Order Entered: November 8, 2001

- **Perry G. Thomasson, F.S.L.**
Findings: Notarized the forged signatures of clients on an insurance form and notary were revoked.
Sanctions: Required to take an ethics course, one-year probation, two unannounced inspections and monetary penalty.
Order Entered: December 20, 2001

- **Cynthia Taylor**
- Findings: Failed to demonstrate that the time limitation of traineeship would be undue hardship and she improperly made funeral arrangements during expiration of registration.
Sanctions: Denial of request to extend resident trainee program.
Order Entered: December 10, 2001

- **George Turner, F.S.L.**
Findings: Aided and abetted unlicensed practice and was convicted of assault and battery.
Sanctions: Reprimand, monetary penalty and two years probation.
Order Entered: April 29, 2002

- **Michael Winfree, F.S.L.**
Findings: Continued to practice funeral service after the expiration of the establishment license and failed to respond to inspection deficiency notice of compliance.
Sanction: Summary Suspension.
Order Entered: March 18, 2002

- Formal Hearing to Request Reinstate of License**
Sanction: Continued on suspension upon successful completion of jurisprudence examination.
Order Entered: May 9, 2002

- **Winfree-Wright Funeral Service Inc., Funeral Service Establishment**
Findings: Continued to operate after expiration of establishment license and non-compliant inspection deficiencies, and failure to correct deficiencies from December 12, 2000 inspection.
Sanction: Reinstatement of establishment permit upon satisfactory inspection and payment of monetary penalty. One unannounced inspection.
Order Entered: May 9, 2002

PERFECT ESTABLISHMENT INSPECTIONS

The Virginia Board of Funeral Directors and Embalmers congratulates the managers and staff of the following establishments on a perfect inspection:

Bennett Funeral Home (Mechanicsville)
William N. Bland and Sons Funeral Home Inc.
Joseph W. Bliley Funeral Home (Augusta)
Bolling, Grose, Lotts Funeral Home
Browning Funeral Home
Capitol Funeral Service
Dignity Funeral Home, t/a Memorial Cremations

Feggins Funeral Home
J.T. Morris & Sons, Inc.
Morrissett Funeral Home
John M Oakey Funeral Home (Downtown)
Obaugh Funeral Home Inc.
Williams Funeral Home (Lawrenceville)

Virginia Board of Funeral Directors and Embalmers

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