

Virginia Board of Funeral Directors and Embalmers Recent Regulatory Changes – Effective March 3, 2021

The Virginia Board of Funeral Director and Embalmers conducts a periodic review of its regulations approximately every four years. The Board recently completed the comprehensive review of two regulatory chapters, Chapter 20 Regulations Governing the Practice of Funeral Services, and Chapter 30 Regulations for Preneed Funeral Planning. Amendments to these regulations became effective **March 3, 2021**.

Updates to Regulations Governing the Practice of Funeral Services 18VAC65-20-10 et seq.

The most notable regulatory changes to the Board’s Regulations Governing the Practice of Funeral Services are outlined below:

Regulation	Description of Change
<u>18VAC65-20-10</u> . Definitions.	Adds a definition of “affiliation” or “affiliated” for purposes of the relationship between main and branch licensed establishments or entities.
<u>18VAC65-20-50</u> . Posting of license.	Clarifies that a licensee should post their license in a place conspicuous to consumers of funeral services in each establishment or branch where <i>he[/she] practices</i> .
<u>18VAC65-20-60</u> . Accuracy of information.	Requires that surface transportation and removal services notify the board within 14 days of any change in the name of the manager of record with the board.
<u>18VAC65-20-130</u> . Renewal of license; registration. <u>18VAC65-20-440</u> . Courtesy cards.	Requires an individual to provide documentation of current, unrestricted licensure for funeral service, funeral directing, or embalming from the licensing authority in the states in which he or she is licensed to practice in order to obtain a courtesy card or renew an existing courtesy card.
<u>18VAC65-20-151</u> . Continued competency requirements for renewal of an active license.	Provides that a new licensee is exempt from the continuing education requirements for the first renewal following the date of initial licensure by examination in Virginia.
<u>18VAC65-20-152</u> . Continuing education providers.	Clarifies the course approval process for Board-approved continuing education providers.
<u>18VAC65-20-170</u> . Requirements for an establishment license.	Requires that an application for licensure of a branch or chapel contain an attestation of the affiliation of the branch or chapel and the main establishment.

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18VAC65-20-170. Requirements for an establishment license.	Contains provisions for emergency operations of a funeral establishment out of another licensed funeral establishment.
18VAC65-20-171. Responsibilities of the manager of record.	Clarifies that the manager of record of an establishment is responsible for correcting or seeking corrections of any deficiencies identified during the course of an inspection of the establishment.
18VAC65-20-400. Registration of surface transportation and removal services.	Requires persons applying to own or operate a surface transportation and removal service to submit evidence of training <u>of the service manager and staff</u> in compliance with standards of OSHA for universal precautions and bloodborne pathogens <u>and to provide proof of bonding or liability insurance coverage related to the operation of the service.</u>
18VAC65-20-435. Registration of crematories.	Clarifies that the designated manager of a crematory may be the manager of record of a funeral establishment collocated on the same premises.
18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.	Clarifies that the cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph <u>of the remains</u> signed by the person making the identification.
18VAC65-20-500. Disciplinary action.	Authorizes the Board to impose discipline on a licensee for engaging in inappropriate sexual contact between a supervisor and a funeral service intern if the sexual contact is a result of the exploitation of trust, knowledge, or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on the practice of funeral services or on intern training.
18VAC65-20-510. Embalming.	Requires that the embalming report include the name of each student and the signature of the supervisor of any mortuary science student who assisted in the embalming.
18VAC65-20-580. Preparation room equipment.	Clarifies certain requirements for preparation room equipment.
18VAC65-20-700. Retention of documents.	Clarifies provisions related to retention of documents transferred from a funeral establishment to a new establishment owner, including the transfer of preneed documentation.

To access an updated copy of the Board's Regulations Governing the Practice of Funeral Services, visit the [Board's Laws and Regulations](#) page.

Updates to Regulations for Preneed Funeral Planning
18VAC65-30-10 et seq.

The most notable regulatory changes to the Board’s Regulations for Preneed Funeral Planning are outlined below:

Regulation	Description of Change
<u>18VAC65-30-50</u>. Solicitation.	The amendments clarify that contact or in-person communication with interested consumers shall take place only with a funeral service licensee or licensed funeral director and that funeral service interns shall not engage in preneed planning or sales.
<u>18VAC65-30-60</u>. Records; general.	Effective March 3, 2021, preneed contracts and reporting documents are required to be retained on the premises of the establishment for <u>three</u> years after the death of the contract beneficiary.
<u>18VAC65-30-70(A)</u>. Record reporting.	In addition to the current requirements for content of a chronological or alphabetical listing of all preneed contracts, the listing shall include where the contract is funded and where the funds are maintained.
<u>18VAC65-30-70(B)</u>. Record reporting.	The amendments outline additional consumer notice requirements for contract buyers where a preneed contract provider discontinues its business operations and the new establishment either does or does not intend to honor existing preneed contracts.
<u>18VAC65-30-90(B)</u>. Disclosures.	Licensees shall receive a written acknowledgment from the contract buyer that the buyer has received a copy of the general price list and preneed disclosure questions and answers as required by the existing regulations.
<u>18VAC65-30-220</u>. Content of preneed contracts.	In addition to formatting updates, the content of preneed contracts was updated to include clarifications to language regarding guaranteed and nonguaranteed goods and services, as well as an acknowledgment from the contract seller that the general price list and required disclosures have been furnished to the contract buyer
<u>18VAC65-30-230</u>. Content of disclosure statements.	The required Question and Answer disclosure statements have been updated to clarify information for consumers, including descriptions of guaranteed and non-guaranteed prices and services, the importance of maintaining copies of preneed records, and the transfer rights of consumers if a funeral home closes. <u>Click here to access the updated Preneed Disclosure Statements.</u>

To access an updated copy of the Board’s Regulations for Preneed Funeral Planning, visit the [Board’s Laws and Regulations](#) page.