

# **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  
January 18, 2011 at 10:00 a.m.**

## **BOARD MEETING AMENDED AGENDA**

### **CALL TO ORDER**

### **ORDERING OF AGENDA**

### **ACCEPTANCE OF MINUTES - Tab 1**

- Board Meeting Minutes - October 22, 2010

### **PUBLIC COMMENT PERIOD**

### **EXECUTIVE DIRECTOR'S REPORT - Tab 2**

### **NEW BUSINESS**

- Inspection Report - Sammy Johnson
- Guidance Document - Lisa Hahn - **Tab 3**
  - 65-15 Guidance Document for Internship Extensions
  - 65-16 Guidance Document for Continuing Education Audit
- Legislative Report - Elaine Yeatts (Meeting Handout)
- CE Requirement for One Hour Law & Regulation - **Tab 4**
- Discuss Funeral Establishment Trends
- Schedule Upcoming Subcommittee Meetings - Lisa Hahn

# 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 Friday, October 22, 2010 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #4, Henrico, Virginia.

**BOARD MEMBERS PRESENT**

Michael J. Leonard, FSP, President  
Robert B. Burger, Jr., FSP, Vice-President  
Blair Nelsen, FSP, Secretary-Treasurer  
Randolph T. Minter, FSP  
Willard. D. Tharp, FSP  
Billie Watson-Hughes, FSP  
Barry M. Murphy, FSP  
Walter S. Ball, Citizen Member  
Junius Williams, Citizen Member

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING**

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

**BOARD COUNSEL**

Amy Marschean, Senior Assistant Attorney General

**QUORUM**

With 9 members present a quorum was established.

**GUESTS PRESENT**

Barry D. Robinson, Virginia Morticians Association  
Meredyth Partridge, Regulatory Support Services, Inc.  
Bo Keeney, Independent Funeral Homes of Virginia  
David Anderson, Virginia Funeral Directors Association

**CALL TO ORDER**

Mr. Leonard, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:05 a.m. and asked the members and guests to introduce themselves.

**ORDERING OF AGENDA**

The agenda was accepted as ordered.

## **ACCEPTANCE OF MINUTES**

- Upon a motion by Mr. Minter and properly seconded by Ms. Hughes, the Board voted to accept the Board Meeting Minutes dated July 20, 2010. The motion carried unanimously.
- Upon a motion by Ms. Hughes and properly seconded by Mr. Burger, the Board voted to accept the Continuing Education Committee Meeting Minutes dated July 20, 2010. The motion carried unanimously.
- Upon a motion by Mr. Tharp and properly seconded by Mr. Minter, the Board voted to accept the Special Conference Committee Meeting Minutes dated August 10, 2010. The motion carried unanimously.

## **PUBLIC COMMENT PERIOD**

Meredyth Partridge asked the board for clarification regarding Medicaid "Set Aside" funds and who the responsible party was for refunding excess money. Ms. Partridge also stated that the requirement was adding more burden and paperwork for the funeral homes. Ms. Hahn referred to the newsletter and article published by Cindy Olsen of DMAS regarding the issue and clarified that DMAS requested that funeral service providers to be aware of the law and to include notification to the contract buyer that if preneed arrangements for Medicaid burial set aside are reduced from the original contract amount, that the Department of Medical Assistance Services (DMAS) is entitled to receive the remainder of the funds. Likewise, if the contract is modified or terminated to reduce the original set aside amount, DMAS is entitled to receive any remaining funds resulting from the termination or modification of the contract.

Barry Robinson wanted clarification regarding whether or not only board members were accepted as continuing education providers on Preneed. Mr. Leonard clarified that associations listed in the regulations were able to offer classes.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Staffing**

Ms. Hahn was delighted to introduce Lynne Helmick as her new Deputy Executive Director. Ms. Hahn shared that Ms. Helmick's background as an agency inspector for funeral and veterinary establishments will be extremely valuable to the board. Ms. Helmick will be primarily handling the funeral inspection program as well as working closely with Kathy Truesdale, Discipline Manager and Annie Artis, Licensing Manager. Ms. Hahn reviewed staff positions and requested that the board continue to keep Ms. Meade in their prayers.

### **Board Members**

Ms. Hahn gave congratulations to the new slate of officers for the 2010/2011 term; Michael Leonard as Board President, Robert Burger, Jr. as Vice-President, and Blair Nelsen as Secretary-Treasurer.

### **Expenditure and Revenue Summary**

Ms. Hahn stated that the beginning cash balance as of June 30, 2009 was \$19,797, revenue received for FY 10 was \$536,948 less the direct and allocated expenditures of \$496,178, a one time cash transfer for FY10 Caboose Bill was \$11,268; a one time cash transfer for FY10 Administration Reduction was \$9,002, leaving a cash balance as of June 30, 2010 of \$40,298. Ms. Hahn indicated that although the board ended the fiscal year in the black, it will be the last time for many years to come unless a fee increase is implemented.

### **Licensee Statistics**

Ms. Hahn provided a summary of current license statistics and added that out of the 1421 Funeral Service Providers; 5 were licensed as Embalmers and 75 were Funeral Directors.

### **Discipline Statistics**

Ms. Hahn stated we have 53 open cases which was 15 more than the last meeting; 46 cases are in the Enforcement Division at the Investigative stage; 5 cases are in the Probable Cause stage; 1 case at the APD level; and 1 case is at the formal stage.

### **Virginia Performs**

Ms. Hahn stated that she had not received updated information to report but shared again information from the last meeting. The board had achieved a 100% rating for issuing licenses in less than 30 days and a 100% rating for patient care cases closed within 250 days. No customer satisfaction surveys were returned during the last cycle. The Clearance Rate was at 150% and there were no cases older than 250 days.

### **Board Business**

Ms. Hahn mentioned that she had provided a copy of the August 2010 issue of the newsletter in the agenda packets. She indicated that the newsletter highlighted the hard work and many achievements the board made especially regarding death certificate issues, preneed, the internship program, and regulatory matters.

Ms. Hahn pointed out that she included copies of all the letters that Dr. Reynolds-Cane and Dr. Remley had issued regarding death certificates. Members of the board mentioned that they have already seen a positive effect from these meetings due largely to increased communication and education on the issue.

Ms. Hahn announced that the Department of Health Professions will be holding a new board member orientation day on October 27<sup>th</sup> and that she will be giving two of the presentations. One presentation will be on the Top 10 Ways of Becoming an Effective Board Member and the other will be on reviewing disciplinary cases and rendering a probable cause determination. Ms. Hahn shared that new board member Mr. Junius Williams will be participating in the orientation.

Lynne Helmick will present on State laws and regulations at the Virginia Funeral Directors Association meeting on November 4<sup>th</sup> in Roanoke, Virginia and Bob Burger, Jr. will present in Danville, Virginia on November 18<sup>th</sup>.

Ms. Hahn updated the board members on a meeting she held with Sammy Johnson and the Inspectors. Collaboratively, they reviewed and edited the new inspection forms, discussed ways to improve the process and discussed preneed disclosures. Ms. Hahn will forward the members a copy of the final inspection form once complete. Any questions may be directed to Ms. Hahn or Ms. Helmick.

Ms. Hahn concluded her report by stating that she will invite Sammy Johnson to the January 2011 meeting for an overview of the inspection process.

### **Calendar**

Ms. Hahn stated that the 2011 meeting calendar was provided in the agenda packets.

### **NEW BUSINESS**

#### **Sanction Reference Points Update – Kim Langston, VisualResearch, Inc.**

Ms. Langston gave an overview of the effectiveness of the Sanction Reference Points System and stated that current results indicate that the numbers are right on target. Ms. Langston asked the board if they would like to re-train with SRP. Ms. Hahn stated that although she is a huge advocate of SRP, the actual cost for the training would be a strong factor in making the decision. Mr. Leonard concluded that the board would take the matter under advisement.

#### **Consideration of Fee Increase – Charles Giles**

Mr. Giles opened discussion by thanking the board for allowing him to speak regarding the updated financial position and to assist with the information they will need to make a decision on proposed fee increases. Mr. Giles pointed out that without a fee increase, the anticipated cash balance at the end of FY11 will be (42,168) and that by the end of FY2016 it would be approximately (785,323). He also stated that in her initial review through FY2016, Ms. Hahn was able to identify an approximate savings overall of about \$207,000. Throughout his budget presentation, Mr. Giles reminded the members that the numbers were projections and that it is unknown what the future holds. He stressed that it was imperative to have certain costs as “place holders” in the budget in the event certain expenses are approved by the General Assembly such as cost of living increases or raises.

Much of the discussion centered on the significant increase in fees charged to the agency by Northrop Grumman & Virginia Information Technologies Agency (VITA). Mr. Giles stated that the fees charged to the Agency increased approximately 323% from the year 2005 to 2011. The agency anticipates that by FY2012, the increase will be approximately 417%. He stated that the Agency Director has held numerous meetings and is making a large effort to remedy the increase costs

Ms. Yeatts led discussion on the methodology for the fee increases by offering two different options. She explained the difference in the two options was a matter of timing and anticipation of the need for another fee increase. Ms. Yeatts stated that Option II anticipates the shortfall the board may have again in FY2015 and instead of having to promulgate another fee increase and wait approximately two additional years before it becomes effective this option would include the additional fee increase.

Upon a motion by Mr. Tharp and properly seconded by Mr. Murphy, the board voted to accept option II for fee increases. The motion carried unanimously.

#### **Current Regulatory Actions – Elaine Yeatts**

Ms. Yeatts reviewed the status of the following regulations pertaining to 18VAC65-20:

- Identification of human remains – remains at the Secretary's Office
- NOIRA regarding fee increases – Board to adopt proposed fees
- Fast-Track regarding clarification of requirements - remains at the Governor's Office
- Conformity with the law on CE documentation – becomes final on 9/29/2010
- Repeal of 18VAC65-20-530 regarding documentation of embalming –becomes final on 9/29/2010
- Unprofessional Conduct – becomes final on 9/29/2010

Ms. Yeatts reviewed the status of regulations pertaining to 18VAC65-30;

- Fast-Track regarding termination of irrevocable trusts – remains at Secretary's Office

Ms. Yeatts concluded by sharing that the legislation regarding death certificates is at the Governor's office and that she does not anticipate hearing whether it will be approved to move forward until the first part of December.

#### **BREAK**

The Board took a recess at 11:45 a.m. and reconvened at 12:05 p.m.

#### **Letter from Regulatory Support Services, Inc.**

Ms. Hahn shared a letter she received from Meredyth Partridge, President of Regulatory Support Services, Inc. asking for clarification from the Board regarding whether or not nurse

practitioners have the authority to sign a death certificate. Amy Marschean, Board Counsel deferred Ms. Partridge to the Virginia Department of Health (VDH) for clarification.

### **Letter from Virginia Humaniteks**

A letter from Virginia Humaniteks, Inc. petitioning the board for leniency in the regulations regarding crematories and the cremation of humans in the same retort as pets for those persons of extreme weight. The board requested that Ms. Hahn submit a response letter stating that they adhere to the current law without deviation or exception.

### **Alkaline Hydrolysis**

Mr. Leonard led discussion on Alkaline Hydrolysis as a means of final disposition. During the discussion, many questions were asked and it soon became apparent that the board simply does not yet have enough information to take a position on this process. They did agree however, that because alkaline hydrolysis may be considered in legislation in the near future, that they should be proactive by gathering as much information as possible. Board members as well as affiliated associations were asked to collect and provide information to board staff. The board asked Ms. Hahn to submit a response stating that currently Alkaline Hydrolysis is not a legal means of final disposition and that the law in Virginia allows for only cremation and burial as a means of final disposition.

### **ADJOURNMENT:**

With no further business before the Board, the meeting adjourned at 12:45 p.m.

\_\_\_\_\_  
Michael J. Leonard, President

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Lisa R. Hahn, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Tab 2

Virginia Department of Health Professions  
Cash Balance  
As of November 30, 2010

	<b>104- Funeral Directors and Emba</b>
<b>Cash Balance as of June 30, 2010</b>	<b>\$ 40,298</b>
<b>YTD FY11 Revenue</b>	<b>26,825</b>
<b>Less: YTD FY11 Direct and In-Direct Expenditures</b>	<b><u>214,545</u></b>
<b>Cash Balance as of November 30, 2010</b>	<b><u><u>\$ (147,422)</u></u></b>

**Virginia Dept. of Health Professions  
Revenue and Expenditures Summary**

July 1, 2010 through November 30, 2010

	104- Funeral Directors and Emba			
	<u>Jul '10 - Nov 10</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Revenue</b>				
<b>2400 · Fee Revenue</b>				
2401 · Application Fee	13,050.00	34,225.00	-21,175.00	38.13%
2402 · Examination Fee	0.00			
2406 · License & Renewal Fee	4,680.00	488,660.00	-483,980.00	0.96%
2407 · Dup. License Certificate Fee	175.00	480.00	-305.00	36.46%
2408 · Board Endorsement - In	0.00			
2409 · Board Endorsement - Out	3,250.00	2,600.00	650.00	125.0%
2421 · Monetary Penalty & Late Fees	1,075.00	5,395.00	-4,320.00	19.93%
2430 · Board Changes Fee	1,825.00	5,075.00	-3,250.00	35.96%
2432 · Misc. Fee (Bad Check Fee)	70.00	35.00	35.00	200.0%
<b>Total 2400 · Fee Revenue</b>	<b>24,125.00</b>	<b>536,470.00</b>	<b>-512,345.00</b>	<b>4.5%</b>
<b>3000 · Sales of Prop. &amp; Commodities</b>				
3002 · Overpayments	0.00			
3007 · Sales of Goods/Svces to State	0.00			
3020 · Misc. Sales-Dishonored Payments	700.00			
<b>Total 3000 · Sales of Prop. &amp; Commodities</b>	<b>700.00</b>			
<b>9000 · Other Revenue</b>				
9060 · Inspection Fees	2,000.00	5,700.00	-3,700.00	35.09%
9084 · Refund- Prior Yr Disb	0.00			
<b>Total 9000 · Other Revenue</b>	<b>2,000.00</b>	<b>5,700.00</b>	<b>-3,700.00</b>	<b>35.09%</b>
<b>Total Revenue</b>	<b>26,825.00</b>	<b>542,170.00</b>	<b>-515,345.00</b>	<b>4.95%</b>
<b>Expenditures</b>				
<b>1100 · Personal Services</b>				
<b>1110 · Employee Benefits</b>				
1111 · Employer Retirement Contrib.	2,238.90	4,941.00	-2,702.10	45.31%
1112 · Fed Old-Age Ins- Sal St Emp	2,431.84	5,918.00	-3,486.16	41.09%
1113 · Fed Old-Age Ins- Wage Earners	178.92	783.00	-604.08	22.85%
1114 · Group Insurance	323.40	766.00	-442.60	42.22%
1115 · Medical/Hospitalization Ins.	8,156.53	20,441.00	-12,284.47	39.9%
1116 · Retiree Medical/Hospitalizatn	338.77	744.00	-405.23	45.53%
1117 · Long term Disability Ins	241.12	496.00	-254.88	48.61%
<b>Total 1110 · Employee Benefits</b>	<b>13,909.48</b>	<b>34,089.00</b>	<b>-20,179.52</b>	<b>40.8%</b>
<b>1120 · Salaries</b>				
1123 · Salaries, Classified	22,833.73	75,091.00	-52,257.27	30.41%
1125 · Salaries, Overtime	0.00	200.00	-200.00	0.0%
<b>Total 1120 · Salaries</b>	<b>22,833.73</b>	<b>75,291.00</b>	<b>-52,457.27</b>	<b>30.33%</b>
<b>1130 · Special Payments</b>				
1131 · Bonuses and Incentives	2,283.15	2,253.00	30.15	101.34%
1138 · Deferred Compnstn Match Pmts	166.00	408.00	-242.00	40.69%
<b>Total 1130 · Special Payments</b>	<b>2,449.15</b>	<b>2,661.00</b>	<b>-211.85</b>	<b>92.04%</b>
<b>1140 · Wages</b>				

**Virginia Dept. of Health Professions**  
**Revenue and Expenditures Summary**

July 1, 2010 through November 30, 2010

	104- Funeral Directors and Emba			
	Jul '10 - Nov 10	Budget	\$ Over Budget	% of Budget
1141 · Wages, General	2,338.88	10,026.00	-7,687.12	23.33%
1143 · Wages, Overtime	0.00			
<b>Total 1140 · Wages</b>	<b>2,338.88</b>	<b>10,026.00</b>	<b>-7,687.12</b>	<b>23.33%</b>
1150 · Disability Benefits				
1153 · Short-trm Disability Benefits	9,831.64			
<b>Total 1150 · Disability Benefits</b>	<b>9,831.64</b>			
1160 · Terminatn Personal Svce Costs				
1162 · Salaries, Annual Leave Balanc	0.00			
1165 · Employee Retirement Contributio	2,393.97	3,755.00	-1,361.03	63.75%
<b>Total 1160 · Terminatn Personal Svce Costs</b>	<b>2,393.97</b>	<b>3,755.00</b>	<b>-1,361.03</b>	<b>63.75%</b>
<b>Total 1100 · Personal Services</b>	<b>53,756.85</b>	<b>125,822.00</b>	<b>-72,065.15</b>	<b>42.73%</b>
1200 · Contractual Services				
1210 · Communication Services				
1211 · Express Services	0.00	500.00	-500.00	0.0%
1212 · Outbound Freight Services	4.02			
1213 · Messenger Services	0.00			
1214 · Postal Services	593.27	4,500.00	-3,906.73	13.18%
1215 · Printing Services	3.50	400.00	-396.50	0.88%
1216 · Telecommunications Svcs (DIT)	226.67	800.00	-573.33	28.33%
1217 · Telecomm. Svcs (Non-State)	0.00			
1219 · Inbound Freight Services	0.00			
<b>Total 1210 · Communication Services</b>	<b>827.46</b>	<b>6,200.00</b>	<b>-5,372.54</b>	<b>13.35%</b>
1220 · Employee Development Services				
1221 · Organization Memberships	0.00	500.00	-500.00	0.0%
1222 · Publication Subscriptions	0.00			
1224 · Emp Trning Courses, Wkshp & Cnf	257.88	500.00	-242.12	51.58%
1225 · Employee Tuition Reimbursement	0.00	900.00	-900.00	0.0%
1227 · Emp Trning- Trns, Ldgng & Meals	0.00			
<b>Total 1220 · Employee Development Services</b>	<b>257.88</b>	<b>1,900.00</b>	<b>-1,642.12</b>	<b>13.57%</b>
1230 · Health Services				
1236 · X-ray and Laboratory Services	0.00			
<b>Total 1230 · Health Services</b>	<b>0.00</b>			
1240 · Mgmnt and Informational Svcs				
1242 · Fiscal Services	19.41	6,878.00	-6,858.59	0.28%
1243 · Attorney Services	0.00			
1244 · Management Services	0.00			
1246 · Public Infrmtnl & Relation Svcs	0.00			
1247 · Legal Services	0.00	550.00	-550.00	0.0%
1248 · Media Services	0.00			
1249 · Recruitment Services	0.00			
<b>Total 1240 · Mgmnt and Informational Svcs</b>	<b>19.41</b>	<b>7,428.00</b>	<b>-7,408.59</b>	<b>0.26%</b>

**Virginia Dept. of Health Professions**  
**Revenue and Expenditures Summary**

July 1, 2010 through November 30, 2010

	<b>104- Funeral Directors and Emba</b>			
	<u>Jul '10 - Nov 10</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>1250 · Repair and Maintenance Svcs</b>				
1252 · Electrical Rep & Maintenance	0.00			
1253 · Equip Repair & Maintenance	20.78			
1254 · Extermination/Vector Control	0.00			
<b>Total 1250 · Repair and Maintenance Svcs</b>	<u>20.78</u>			
<b>1260 · Support Services</b>				
1261 · Architectural and Engnering Svc	0.00			
1263 · Clerical Services	0.00			
1264 · Food & Dietary Services	616.57	2,000.00	-1,383.43	30.83%
1266 · Manual Labor Services	285.23	700.00	-414.77	40.75%
1267 · Production Services	987.83	1,200.00	-212.17	82.32%
1268 · Skilled Services	225.00	1,241.00	-1,016.00	18.13%
<b>Total 1260 · Support Services</b>	<u>2,114.63</u>	<u>5,141.00</u>	<u>-3,026.37</u>	<u>41.13%</u>
<b>1280 · Transportation Services</b>				
1282 · Travel, Personal Vehicle	3,266.88	4,000.00	-733.12	81.67%
1283 · Travel, Public Carriers	150.31	700.00	-549.69	21.47%
1284 · Travel, State Vehicles	0.00			
1285 · Travel, Subsistence & Lodging	405.88	1,500.00	-1,094.12	27.06%
1288 · Trvl, Meal Reimb- Not Rprtble	234.50	780.00	-545.50	30.06%
<b>Total 1280 · Transportation Services</b>	<u>4,057.57</u>	<u>6,980.00</u>	<u>-2,922.43</u>	<u>58.13%</u>
<b>Total 1200 · Contractual Services</b>	<u>7,297.73</u>	<u>27,649.00</u>	<u>-20,351.27</u>	<u>26.39%</u>
<b>1300 · Supplies And Materials</b>				
<b>1310 · Administrative Supplies</b>				
1312 · Office Supplies	590.17	700.00	-109.83	84.31%
1313 · Stationery and Forms	0.00	-15.00	15.00	0.0%
<b>Total 1310 · Administrative Supplies</b>	<u>590.17</u>	<u>685.00</u>	<u>-94.83</u>	<u>86.16%</u>
<b>1330 · Manufctrng and Merch Supplies</b>				
1335 · Packaging and Shipping Suppl	0.00			
<b>Total 1330 · Manufctrng and Merch Supplies</b>	<u>0.00</u>			
<b>1340 · Medical and Laboratory Supp.</b>				
1342 · Medical and Dental Supplies	2.67			
<b>Total 1340 · Medical and Laboratory Supp.</b>	<u>2.67</u>			
<b>1360 · Residential Supplies</b>				
1362 · Food and Dietary Supplies	4.01	50.00	-45.99	8.02%
1363 · Food Service Supplies	0.00	50.00	-50.00	0.0%
<b>Total 1360 · Residential Supplies</b>	<u>4.01</u>	<u>100.00</u>	<u>-95.99</u>	<u>4.01%</u>
<b>1370 · Specific Use Supplies</b>				
1373 · Computer Operating Supplies	3.12			
<b>Total 1370 · Specific Use Supplies</b>	<u>3.12</u>			

**Virginia Dept. of Health Professions  
Revenue and Expenditures Summary**

July 1, 2010 through November 30, 2010

	104- Funeral Directors and Emba			
	Jul '10 - Nov 10	Budget	\$ Over Budget	% of Budget
Total 1300 · Supplies And Materials	599.97	785.00	-185.03	76.43%
<b>1400 · Transfer Payments</b>				
Incentives	0.00			
1410 · Awards, Contrib., and Claims				
1413 · Premiums	60.00			
1415 · Unemployment Compsatn Reimb	0.00			
Total 1410 · Awards, Contrib., and Claims	<u>60.00</u>			
Total 1400 · Transfer Payments	60.00			
<b>1500 · Continuous Charges</b>				
1510 · Insurance-Fixed Assets				
1516 · Property Insurance	35.95			
1510 · Insurance-Fixed Assets - Other	0.00	245.00	-245.00	0.0%
Total 1510 · Insurance-Fixed Assets	<u>35.95</u>	<u>245.00</u>	<u>-209.05</u>	<u>14.67%</u>
1530 · Operating Lease Payments				
1534 · Equipment Rentals	0.00	1,217.00	-1,217.00	0.0%
1535 · Building Rentals	1.62			
1539 · Building Rentals - Non State	3,386.13	8,018.00	-4,631.87	42.23%
Total 1530 · Operating Lease Payments	<u>3,387.75</u>	<u>9,235.00</u>	<u>-5,847.25</u>	<u>36.68%</u>
1540 · Service Charges				
1541 · Agency Service Charges	633.33			
Total 1540 · Service Charges	<u>633.33</u>			
1550 · Insurance-Operations				
1551 · General Liability Insurance	129.03			
1554 · Surety Bonds	7.61			
Total 1550 · Insurance-Operations	<u>136.64</u>			
Total 1500 · Continuous Charges	4,193.67	9,480.00	-5,286.33	44.24%
<b>2200 · Equipment Expenditures</b>				
Electronic & Photo Equip Impr	0.00			
2220 · Educational & Cultural Equip				
2224 · Reference Equipment	0.00	300.00	-300.00	0.0%
Total 2220 · Educational & Cultural Equip	<u>0.00</u>	<u>300.00</u>	<u>-300.00</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				
2261 · Office Appurtenances	4.90			
2262 · Office Furniture	1.33	200.00	-198.67	0.67%
2263 · Office Incidentals	0.00			

**Virginia Dept. of Health Professions  
Revenue and Expenditures Summary**

July 1, 2010 through November 30, 2010

	104- Funeral Directors and Emba			
	<u>Jul '10 - Nov 10</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
2264 · Office Machines	0.00			
2268 · Office Equipment Improvements	0.00			
<b>Total 2260 · Office Equipment</b>	<b>6.23</b>	<b>200.00</b>	<b>-193.77</b>	<b>3.12%</b>
<b>Total 2200 · Equipment Expenditures</b>	<b>6.23</b>	<b>500.00</b>	<b>-493.77</b>	<b>1.25%</b>
<b>Total Expenditures</b>	<b>65,914.45</b>	<b>164,236.00</b>	<b>-98,321.55</b>	<b>40.13%</b>
<b>9001 · Allocated Expenditures</b>				
LTAIALSPIPT	0.00	0.00	0.00	0.0%
Opt / Vet Exec	0.00			
9201 · Behavioral Science Exec	0.00			
9202 · OptVMASLP Exec Dir	0.00			
9204 · Nursing / Nurse Aid	0.00			
9206 · FuneralLTCAIPT	31,760.32	79,591.45	-47,831.13	39.9%
9301 · DP Operations & Equipment	27,334.67	134,719.92	-107,385.25	20.29%
9302 · Human Resources	4,638.78	12,017.16	-7,378.38	38.6%
9303 · Finance	9,270.96	24,040.92	-14,769.96	38.56%
9304 · Director's Office	4,155.51	12,669.84	-8,514.33	32.8%
9305 · Enforcement	61,566.86	132,825.00	-71,258.14	46.35%
9306 · Administrative Proceedings	5,339.94	23,364.72	-18,024.78	22.86%
9307 · Impaired Practitioners	0.00	38.04	-38.04	0.0%
9308 · Attorney General	0.00	37,790.16	-37,790.16	0.0%
9309 · Board of Health Professions	2,974.58	9,664.08	-6,689.50	30.78%
9310 · SRTA	0.00			
9311 · Moving Costs	0.00	828.48	-828.48	0.0%
9313 · Emp. Recognition Program	0.00	474.00	-474.00	0.0%
9314 · Conference Center	139.26	527.88	-388.62	26.38%
9315 · Pgm Devlpmnt & Implmentn	1,449.81	4,633.80	-3,183.99	31.29%
987900 · Cash Trsfr Out- Appr Act Pt. 3	0.00	1,580.16	-1,580.16	0.0%
<b>Total 9001 · Allocated Expenditures</b>	<b>148,630.69</b>	<b>474,765.61</b>	<b>-326,134.92</b>	<b>31.31%</b>
<b>Total Direct and Allocated Expenditures</b>	<b>214,545.14</b>	<b>639,001.61</b>	<b>-424,456.47</b>	<b>33.58%</b>
<b>Net Cash Surplus\Shortfall</b>	<b>-187,720.14</b>	<b>-96,831.61</b>	<b>-90,888.53</b>	<b>193.86%</b>

# License Count Report for Funeral Directors

## January 18, 2011

Branch Establishment	22
Continuing Education Provider	26
Courtesy Card	84
Crematories	90
Funeral Establishments	488
Funeral Service Interns	153
Embalmer	5
Funeral Service Director	75
Funeral Service Providers	1,431
Funeral Service Supervisors	266
Surface Transportation & Removal Services	50
Total	2,690

# Case Pending Report for Funeral Directors January 18, 2011

Investigations	34
Probable Cause	9
APD	2
Informal Stage	1
Formal Stage	1
Total	47

KEY MEASURES-Quarter Ending 9/30/10					
	Clearance Rate	Percent of Pending Case Load Older than 250 Business Days	Percent of Patient Care Cases Resolved within 250 Working Days	Percent of Customer Satisfaction	Percent of Initial Applications Processed within 30 Days of Completion
Audiology/Speech Pathology	n/a	0%	100%	94.4% (3)	100.0%
Counseling	67%	15%	100%	71.1% (15)	100.0%
Dentistry	122%	10%	96%	94.8% (27)	100.0%
Funeral Directing	67%	15%	100%	100% (1)	100.0%
Long Term Care Administrator	60%	4%	83%	92.6% (5)	100.0%
Medicine	92%	11%	93%	91.2% (151)	99.9%
Nurse Aide	80%	19%	96%	98.5% (71)	100.0%
Nursing	91%	6%	96%	94.0% (270)	100.0%
Optometry	60%	10%	67%	100% (5)	100.0%
Pharmacy	90%	11%	98%	97.1% (104)	100.0%
Physical Therapy	200%	33%	100%	94.2% (29)	100.0%
Psychology	15%	4%	100%	83.3% (14)	100.0%
Social Work	80%	4%	40%	93.0% (10)	100.0%
Veterinary Medicine	132%	6%	100%	98.1% (10)	100.0%
AGENCY	91%	10%	95%	93.7% (715)	100.0%

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS**  
**Facility Certificates of Occupancy**

**Certificates of Occupancy**

§54.1-2800. Definitions.

"Funeral service establishment" means any main establishment, branch or chapel which is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

Prior to initial licensure as a funeral service establishment, a certificate of occupancy (CO) must be submitted to the Board. The following are answers to questions posed to a Chesapeake building official regarding the CO process:

**Q.** *Are there any specific requirements for funeral homes versus other businesses in order to receive a CO? When we look at that CO, should we be looking for any specific designation of use group?*

**A.** The Use Groups which will apply to this situation are Business in the office areas, and Assembly in the viewing rooms and the auditorium.

**Q.** *If a funeral home moved into a previously approved business location, would they need a new CO? Keep in mind they would probably be constructing a room for embalming, which would likely require plumbing and electrical permits.*

**A.** If there is a C.O. on the building, there would have to be a new C.O. for a change of occupant load for each area and a total occupant load for the building to match today's code requirements.

The embalming area and the crematorium uses will be classified as a Business use as well as the offices.

**Q.** *If a new funeral home business moves into a building that was previously occupied by a funeral home business and they do some remodeling, such as minor rewiring and new drywall, would they need a new CO?*

**A.** For minor work in a space where there is a valid C.O. for the same type of uses you are going to be, a new a building permit will be required.

**Q.** *Is there much variation from locality to locality that would affect some of these answers?*

**A.** The City of Chesapeake uses the State of Virginia adopted codes which are the International Codes. The 2006 edition is the code being used now. The 2009 edition will be adopted early 2011. Other cities may use the same code, however zoning requirements may vary from city to city.

# Tab 3

## **BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

### **Guidance for Internship Extensions**

#### **Part II. Funeral Service Internship Requirements.**

In accordance with **18VAC65-40-130**, the board for good cause shown, may grant an extension of time for completion of an internship.

The board policy on granting an extension is as follows:

- The intern has to provide the board with a letter explaining the circumstances that have prevented the completion of the program within the specified time. The letter should include the length of time the intern is requesting for the extension. Additionally, the board will want to review the intern's current college transcript to review the courses already completed toward the mortuary educational requirement.
- The Board will grant no more than 2 extensions to an intern.

Virginia Board of Funeral Directors and Embalmers

**Procedures for Auditing Continuing Education**

1. Board staff audits a random sample of licensees to investigate compliance with the Board's continuing education requirements.
  - a. Board staff reviews each audit report and determines if the licensee is in compliance with their CE requirements.
  - b. Board staff will confer with the CE committee for any questionable matters.
2. Board staff reviews each audit and, depending on compliance, will either:
  - a. Send a letter of appreciation for cooperation with the audit and for compliance with the Board's CE requirements, OR;
  - b. Send an Advisory letter, OR
  - c. Send a Pre-hearing Consent Order based on the following guidelines:
    - i. Monetary Penalty of \$100 per missing credit hour,
    - ii. Monetary Penalty of \$300 for a fraudulent renewal certification, and;
    - iii. Require submission of proof of completion of the missing credit hours within 90 days of entry of the order. This CE is to be in addition to the annual requirement for renewal.
3. If the licensee fails to respond to the audit or pre-hearing consent order, the matter will be referred to an informal conference.
4. If the licensee has been previously disciplined for CE violations, the matter should be referred to the Special Conference Committee.

# TAB 4

## Code of Virginia

### **§ 54.1-2816.1. Continuing education requirements; promulgation of regulations.**

A. The Board shall promulgate regulations governing continuing education requirements for funeral services licensees, funeral directors and embalmers licensed by the Board.

B. The Board shall approve criteria for continuing education courses, requiring no more than 10 hours over two years, that are directly related to the respective license and scope of practice of funeral service licensees, funeral directors and embalmers. Approved continuing education courses shall include, but not be limited to, at least one hour per year covering compliance with laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements. Course providers may be required to register continuing education courses with the Board pursuant to Board regulations. The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes.

C. All course providers shall furnish written certification to licensees of the Board attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of two years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of two years the written certification issued by any Board-approved provider of continuing education courses. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary, to ensure compliance with continuing education requirements.

D. The Board shall have the authority to grant exemptions or waivers in cases of certified illness or undue hardship.

E. The Board may provide for an inactive status for those licensees who do not practice in Virginia. The Board may adopt regulations reducing or waiving continuing education requirements for any licensee granted such inactive status. However, no licensee granted inactive status may have their license changed to active status without first obtaining additional continuing education hours as may be determined by the Board. No person or registrant shall practice in Virginia as an embalmer, funeral director, or funeral service licensee unless he holds a current, active license.

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

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

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

**EXCERPT FROM THE  
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS  
MEETING MINUTES DATED JUNE 1, 2009**

**Continuing Education Courses**

Much discussion was made regarding the subject of out of state CE compliance. Specifically, does someone holding a license in Virginia living out-of-state get credit for taking CE courses of laws and regulations of states other than Virginia regarding the funeral profession? Amy Marschean indicated that the one hour requirement for Preneed is state specific and therefore must be completed in Virginia in order to be in compliance with the regulations.

Mr. Minter and Mr. Nelsen mentioned that the changes to the CE requirements seemed impractical and onerous to the staff to be able to audit and ensure that licensee's were carrying out the law.

A motion was made by Minter and properly seconded by Mr. Nelsen to change the CE requirements to the original 10 hours. After discussion, the motion was withdrawn by Mr. Minter and Mr. Nelsen.

Ms. Hahn suggested that the board allow the staff to complete a renewal and audit cycle before any changes are made to the current regulation.

The board reiterated that we accept only Virginia Preneed to meet the CE requirement as is written in the current regulations.