

MAY-JUNE LEGISLATIVE UPDATE



BACK TO THE CAPITOL WE GO!

Special Session – April 11, 2018

Reconvene/VETO Session – April 18, 2018

POLITICAL / LEGISLATOR UPDATES

As reported in the newsletter, VFDA had a very successful legislative session, which included getting its proactive efforts passed, and supporting, amending or defeating other legislation that was also before the General Assembly. To review, the [March/April Newsletter](#) is hyperlinked here. Your VFDA Legislative Committee has already begun efforts with the advocacy team (Julia Hammond and Angie Bezik) to vet potential proactive legislation for 2019. As a reminder, VFDA worked on the following pieces of legislation to be enacted July 1, 2018:

SB309; Cosgrove & HB1158; Wilt – (pass) VFDA’S proactive legislation requires a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program who first assumes custody of a dead body to complete and file a certificate of death with the State Registrar of Vital Records using the Electronic Death Registration System and provides that when a death occurs under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.

SB357; McClellan – (carried over) would have mandated physicians and funeral service providers to use EDRS.

HB351; Head – (stricken) would have provided that the medical certification portion of a death certificate shall be filed electronically through the Electronic Death Registration System unless the physician or other person authorized to complete a medical certification notifies the State Registrar of Vital Records that he chooses not to participate in the electronic death registration system.

SB831; Reeves – (amended/pass) would require funeral homes to accept third-party caskets, which VFDA supported amendment that brought the activity into compliance with current federal law.

SB143; Spruill – (passed) Requires every public institution of higher education that offers a degree in mortuary science to require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program. The bill also provides that a person who is duly enrolled in a mortuary education program may assist in embalming while under the supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board of Funeral Directors and Embalmers, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

SB881; Spruill – (stricken) Would have increased the membership of the Board of Funeral Directors and Embalmers from nine to 10 by adding one non-legislative citizen member and increases from five to six the number of members that constitutes a quorum. Senator Spruill struck the bill at VFDA’s request.

The General Assembly adjourned Sine Die on March 10, 2018 without passing a budget. As a result, Governor Northam has called them back for Special Session on April 11, 2018. His desire was that the Senate of Virginia would pass the House version of the budget, which included Medicaid Expansion. Although there had been many articles in papers across the state and OpEds by two members of the Senate Republican Caucus in particular, (Senator Emmett Hanger and Senator Frank Wagner), regarding their willingness to support some form of Medicaid Expansion, the Senate Republican leadership continues standing firm on their position of no expansion. Senate Democrats continue to stand just as firm in favoring Medicaid expansion.

Special Session began at noon on April 11 where the House met and passed the caboose and biennial budgets (HB5001 and HB5002), and on Tuesday, April 17 these bills passed from the House floor and were communicated to the Senate for action during Special Session proceedings. The Senate Finance Committee meeting was to be held upon adjournment of the Veto Session to receive a staff presentation on the budget bills passed by the House; however, that committee meeting did not take place. To date, no action has been taken by the Senate, but they have secured May 14 and 15 for what should be action on the House budgets.

Until the Senate acts on the legislation it is unlikely that anything more will happen, which could mean that the state may continue to go without a budget for some time to come. It is not unheard of, and certainly the General Assembly has gone into June without passing a budget in the past; however, it would be best to get the budget settled sooner than later so local government, state agencies and other entities can move forward with their own budgets that are contingent on funding from the state.

Reconvene/VETO session gaveled in on April 18 and the House and Senate each did their work with regard to Governor Northam’s 10 vetoed bills and numerous amendments to legislation. They adjourned Sine Die at 4:23 p.m.

Although no “retirements” were announced at the end of session this year (last year we had several!), we have had a couple of announcements from legislators seeking “higher office,” or are have announced their bids for Congress.

The first is Delegate Nick Freitas, who has announced his candidacy for U.S. Senate against Senator Tim Kaine. Additionally, Senator Jennifer Wexton has announced her candidacy for U.S. House of Representatives against Congresswoman Barbara Comstock. (If Barbara Comstock sounds familiar, she should! She used to be in the Virginia House of Delegates!)

THE REST OF 2018

VFDA Executive Director, Lacy Whittaker, is working closely with Legislative Committee Co-Chairmen, Jay McIntyre and Larry Spiaggi, as well as the advocacy team, to finalize the 2018 Action Plan. Once completed, Lacy will be reaching out to VFDA members to implement various components of the plan. Be prepared to roll up your sleeves to take VFDA to the next level! The work done on the legislative front affects everyone, whether it is a proactive legislative agenda or defense (as in some of the legislation listed above) to protect funeral service professionals from policy decisions that could negatively affect your business.

VDH/DVR did not hold all of the anticipated EDRS Stakeholder meetings as planned in 2017; however, Debbie Condrey has reached out to participants to let them know that the first meeting of 2018 will be April 26 from 1:00pm to 3:00pm at the Vital Records offices in Richmond. She asked for input on topics

for discussion, which was provided by Jay McIntyre based on feedback from physicians and funeral directors. We have also requested that

- ✓ Carrying over mother's and father's name from the initial create case screen. When those names are input, why can't that information be carried over to the decedent family screen and already filled the boxes so that it doesn't have to be filled out twice?
- ✓ If the decedent was not born in VA, there is no need for the query screen.
- ✓ Since the funeral home is responsible for starting the DC, and the case is transferred to Anatomical, the funeral director who started the DC should still get the state file # details. More and more, funeral homes are getting the DC copies for the family. It would be helpful to know what the state file # is once it has been assigned so they can order copies.
- ✓ If by chance the incorrect ME was chosen from the list and not noticed, the funeral service provider should be able to treat as if it was a physician that was chosen won't and take ownership back, and re-submit to the correct ME.
- ✓ On the Request MC page, when a physician is searched for and found, his/her phone number should be listed along with their other information so funeral homes have a correct number to call to inform them that a DC is waiting for them to sign.
- ✓ After 24 hours of submitting the DC to a physician and it has not been completed, there needs to be either an automatic email reminder, or add a re-notify button somewhere in the EDRS so physicians can be reminded.
- ✓ When a Local ME signs authorization, the DC and form should automatically be sent to the regional ME office under which the ME serves so that the information is immediately received. It could work very similarly to the way the DC is automatically sent to the VDH after the physician completes the DC.

VFDA has also asked to have the discussion of integrating the Electronic Health Records System with EDRS so that physicians can move directly from EHRS to EDRS without the "clunky-ness" of having to go into another program and re-enter information that is already populated in EHRS. This is the result of the mandate legislation offered by Senator Jennifer McClellan and the discussion with Medical Society of Virginia (MSV) that they would work to get all physicians using EDRS but want to have it integrate with EHRS first. VFDA will continue to work with MSV to produce a physician requirement to use EDRS.

MEETING WITH OCME

Jay McIntyre, Larry Spiaggi, Lacy Whittaker, David Stork and Angie Bezik met with Dr. Gormley and his staff to discuss several issues that have been of concern to members of VFDA. The meeting and topics were well received, and the relationship building continues with the OCME and his office.

Concerns about continuity among the four district offices' procedures and required forms; cremation authorization and cremation views; cause of death issues; incorrect information on the death certificate and discussion about mandatory use of EDRS, especially for local departments was met by Dr. Gormley with strong commitment to work through the issues create a smooth process for both funeral service and his staff.

VFDA – CONTINUOUSLY SERVING ITS MEMBERS SINCE 1887

The Mission of the Virginia Funeral Directors Association is to serve its members by providing and promoting programs and services to enhance member's ability to conduct their individual businesses successfully with integrity and through collective action to promote the extension and preservation of the profession; to serve the consumer by advancing the professional competency and economic welfare of its membership; by representing funeral service at all levels of government; and by enhancing the public's understanding of the value of the funeral and the role of the funeral service practitioner.