

Virginia Funeral Directors Association
A Four-Year Lookback of Service to Members
Legislative Initiatives and Defense



The VFDA has continuously served 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.

The outcome of a VFDA survey in 2013 revealed that membership concurred that the number one value and benefit of membership was the advocacy and representation before the Virginia General Assembly and Administration. That benefit has been strengthened even more in the subsequent years with long-time Legislative Committee Chairman, Larry Spiaggi, (who recently turned over the helm to Jay McIntyre), and the lobbying team of Julia Hammond and Angie Bezik. Larry will begin service as the VFDA president for 2019.

As Chairmen of the Legislative Committee, Larry and Jay have worked closely with the lobbying team providing the expertise of the funeral service profession before the Virginia General Assembly. They have attended countless meetings with Administration officials, legislators and testified before House and Senate Committees. The lobbying team has worked diligently on behalf of VFDA to build relationships with legislators, Administration (elected and appointees), and other stakeholders to the legislation for which they advocate for or against to protect VFDA members.

A major focus for many years for the VFDA has been development, implementation and mandated use by appropriate stakeholders of the Electronic Death Registration System (EDRS). The Virginia Department of Health (VDH) began discussion years in advance of the October 2014 rollout of the program. At that time, and since, there was still considerable conversation with the VDH and Division of Vital Record (DVR) regarding the EDRS, which had been discussed with VFDA for years since its conception. VDH and DVR had attended many VFDA meetings and conventions and shared their vision for how EDRS would be developed and used. Ultimately, they would choose not to seek mandated use by any stakeholders and rolled out the program. With this in mind, there have been other issues of importance to VFDA members that have been tackled as well.

The following is a four-year lookback at the efforts made by our Legislative Committee volunteers and lobbying team on behalf of VFDA members. Although VFDA may not have many proactive pieces of legislation, we play a lot of defense!

2015 General Assembly Session

The 2015 General Assembly session was a big effort for the VFDA. The hope was to fulfill the desire to mandate EDRS by reminding physicians of their legal duty to sign death certificates in a timely manner. It was already in Code; however, we wanted to reiterate the current law in a different section of Code to provide

notice to physicians that it is indeed a requirement of law. Additionally, we wanted to notify the legislature that an expensive program had rolled out and almost no one is using it. VFDA recognized that a mandate in a Republican led General Assembly would be tough at best but saw this as an opportunity to educate.

Following the committee hearing, the Medical Society of Virginia MSV agreed to work with VFDA to insist EDRS work correctly and would become more user-friendly, so physicians would use EDRS exclusively. They also noted some of the operational issues of EDRS were not user friendly.

The following are eight pieces of legislation that VFDA worked on directly or monitored to be sure no amendments to legislation created issues for VFDA members. VFDA also watches the budget.

VFDA Legislative Agenda - Delegate Ron Villanueva: HB 1802 Certification of death; signing medical form, if not in timely manner Class 1 misdemeanor. (Supported – failed to pass)

VFDA Legislative Agenda - Senator Kenny Alexander: SB 895 Funeral Directors and Embalmers, Board of; clarifies definition of embalming. (Supported – passed)

VFDA Legislative Agenda - Senator Kenny Alexander: SB 951 Dead bodies; disposition of remains or burial of decedent. (Supported – passed)

VFDA Legislative Agenda - Senator Emmett Hanger: SB 1434 Dead bodies; disposition, identification of decedent. (Supported – passed)

Delegate Scott Garrett: HB 1607 Medicolegal death investigators; Chief Medical Examiner may appoint. (Monitored/supported – passed)

Delegate Chris Head: HB 2123 Funeral services; practice does not include sale of caskets. (Opposed – defeated)

Senator Mark Obenshain: SB 1174 Cemetery Board; perpetual care trust funds, requirements. (Monitored – passed)

Senator Kenny Alexander: SB 1106 Veterans; unclaimed cremains. (Monitored – passed)

2016 General Assembly Session

In 2016, VFDA tried again to move the General Assembly to a straight forward EDRS mandate as well as a couple of other legislative items. Senator Kenny Alexander worked with us but ran into some issues dealing with not only the mandate for EDRS but other issues as well. Delegate Villanueva once again agreed to be our patron on the House side and took his cue from Senator Alexander and struck his bill.

VFDA Legislative Agenda - Senator Kenny Alexander: **SB 592 Vital records; amending death certificates. (Supported – passed)**

VFDA Legislative Agenda - Senator Kenny Alexander: **SB 594 Certificates of death; electronic registration. (Supported – failed/stricken)**

VFDA Legislative Agenda – Senator Kenny Alexander: **SB 595 Dead human bodies; storage. (Supported – passed)**

VFDA Legislative Agenda – Senator Kenny Alexander: **SB 596 Death certificates; extends time for filing medical certification of death. (Supported – failed/stricken)**

VFDA Legislative Agenda – Delegate Ron Villanueva: [HB 1086 Certificates of death; electronic registration.](#) (Supported – failed/stricken)

Delegate Les Adams - [HB 789 Exhumations; clerk of circuit court to send notice to next of kin, exception](#) (Monitored – passed)

2017 General Assembly Session

VFDA went into the 2017 General Assembly session with a different strategy after two years of educating legislators and other stakeholders. Recognizing that the EDRS had not yet become more user friendly, nor had all of the concerns VFDA had regarding its operation been addressed, VFDA opted to take the issue on in bite-sized pieces. Additionally, it was taken to the Secretary of Health and Human Resources, Bill Hazel. Following the 2016 legislative session, VFDA and its lobbyists had numerous meetings and communications with Secretary Hazel to begin rectifying what was felt to be a lack of action on the part of VDH and DVR to correct EDRS issues and address stakeholder concerns.

Although VFDA has always engaged membership in the legislative process, the new strategy included a much heavier engagement by VFDA members with their legislators. We were able to secure amazing patrons for the VFDA 2017 Legislative Agenda to include now Co-Chair of Senate Finance, Senator Emmett Hanger; now Speaker of the House, Delegate Kirk Cox; Chairman of House Education Committee and Vice Chair of Appropriations, Delegate Steve Landes; and Delegate Tony Wilt, who is VFDA's Legislator of the Year for 2017.

VFDA also continued to build its relationship with MSV and its lobbyists as well as building new relationships with Chip Dicks, lobbyist for the Virginia Court Clerks. He worked closely with us to draft language that would be accepted by the Clerks. DVH/DVR provided language, which they needed to remain neutral on the streamlining of court ordered changes to death certificates legislation. Additionally, we were able to begin building relationships with the state teaching hospitals and the Virginia Hospital and Healthcare Association (VHHA).

VFDA Legislative Agenda – Senator Emmett Hanger: [SB 1048 Death certificate; amendments other than correction of information.](#) (Supported – passed)

Senator Emmett Hanger also patroned a budget amendment, [Item 291 #c](#) that requires state teaching hospitals to come fully on board with EDRS by April 15, 2018. (Timing coincides with a newly awarded grant to VDH to bring EDRS into 80% full compliance by April 15, 2018.)

VFDA Legislative Agenda - Delegate Steve Landes patroned companion budget language to Senator Emmett Hanger's. VCU and UVA teaching hospitals supported our request and so VHHA and MSV did not work against our efforts. (Supported – passed)

VFDA Legislative Agenda - Delegate Tony Wilt: [HB 2276 Death certificate; amendments other than correction of information.](#) (Supported – passed)

VFDA Legislative Agenda - Delegate Kirk Cox: [HB 1846 Death certificates; filing in any health district.](#) (Supported – passed)

2018 General Assembly Session

VFDA's strategy worked very well in 2017 and the next obvious group of stakeholders were the hospices. Again, we began some new relationships and continued to build upon our recent ones with VHHA and MSV. This year, we reached out to lobbyists for hospices and while one stood down, the other was very helpful. Becky Bowers-Lanier with the Virginia Association for Hospices.

VFDA Legislative Agenda – Senator John Cosgrove: SB 309 Death certificates; medical certification, electronic filing, hospice. (Supported – passed)

VFDA Legislative Agenda – Delegate Tony Wilt: HB 1158 Death certificates; medical certification, electronic filing, hospice. (Supported – passed)

Senator Jennifer McClellan: SB 357 Death certificates; electronic filing required. (Opposed – failed) MSV and VFDA are collaborating to move full mandate forward in efforts with VDH and DVR. MSV would like to connect the mandated Electronic Health Records (EHR) with EDRS. It is looking like that is becoming a real possibility. A report is due back to Senator McClellan by August 1, 2018.

Delegate Chris Head: HB 315 Death certificates; medical certification portion shall be filed electronically. (Opposed – failed/stricken) Delegate Head's bill attempted to create an "opt-out" process that would require a physician to specifically opt out of an EDRS requirement. It was very creative and VFDA appreciates Delegate Head's efforts to require full use of EDRS.

Senator Lionell Spruill: SB 143 Mortuary science education; practical experience required. (Supported – passed)

Senator Lionell Spruill: SB 881 Funeral Directors and Embalmers, Board of; increases membership. VFDA asked Senator Spruill to strike. (Opposed – failed/stricken)

Senator Bryce Reeves: SB 831 Funeral services; acceptance of third-party-provided caskets. VFDA supported an amendment that brought such activity into compliance with federal regulations. (Supported with amendment – passed)

Senator Ryan McDougle: SB 959 Disposition of unclaimed dead body; final orders of transportation and disposition. (Monitored – passed)

In the last four years, VFDA has proactively sought 15 of the 26 pieces of legislation and the two budget amendments. Of those 15, eleven passed. All the legislation VFDA opposed failed to pass.

Excellent representation by VFDA's Legislative Committee and lobbyists;
however, membership engagement is still key!