



BOARD REVIEW

VOLUME 14, No. 1
WINTER 2006

WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS "WVBFSE"
THE PROFESSIONALS' NEWSLETTER

OFFICE OF THE CHIEF MEDICAL EXAMINERS RELOCATES

Effective November 14, 2005, the Office of the Chief Medical Examiner has relocated to its centralized facility in Charleston.

New Address:
619 Virginia Street, West
Charleston, WV 25302

Main Phone: (304) 558 6920
Investigations: (304) 558 6921
Toxicology: (304) 558 6923

OSHA OFFENDERS TO BE REPORTED

Since embarking on a mission several years ago to improve safety in funeral homes, the Board has seen great strides being made by most funeral homes. Some are establishing their own OSHA safety programs, while others are hiring consultants to develop programs and ensure compliance. However, we continue to see funeral homes that are not putting forth an effort to comply.

On August 24, 2005, the Board approved a policy whereby suspected repeat offenders will now be turned over directly to OSHA. Suspected offenders will be sent a warning notice and then reported for any further violations.

Please remember that simply having an OSHA safety manual is not adequate. You must implement and follow the procedures in your manual. To educate yourself and your staff on OSHA standards, go to www.osha.gov or consider enrolling in OSHA's consultation program, where you can get a free consultation on how best to improve safety in your facility. To read more about consultation services, go to <http://www.osha.gov/dcsp/smallbusiness/consult.html>.

NEWSLETTER VIA EMAIL

If you obtained a copy of this newsletter via email alert, you will also need to view the document *CE Status* to find out how many CE's you need. You will find this document on the same page where you downloaded the newsletter.

<http://www.wvfuneralboard.com/newsletters.htm>. Instructions for determining your status are contained in the document.

Board Staff

Sherri Douglass, Executive Director
James Sands, Investigator
Alvin Arner, III, Inspector
Price Calfee, III, Inspector
Constance Sloan, Supervisor

DISCIPLINARY ACTIONS

No disciplinary actions were taken during the 4th quarter of 2005. However, there are seven (7) disciplinary hearings scheduled on February 9, 2006 for failure to obtain continuing education during the 2003-2005 cycle. Please be aware that the Board takes all violations seriously and especially believes that continuing education is vital to maintaining your professional skills.

CREMATORY OPERATOR TRAINING

For NEW APPLICANTS, the Board has implemented a new policy for its required crematory regulation workshop. In the past, the Board has only offered the workshop at its office in Charleston. Starting this year, the Board will offer the training on-site at the crematory.

Applicants will be given three options for training:

(1) attend the workshop in Charleston, at no additional cost, or

(2) schedule on-site training during the annual inspection (which could be several months after initial application), at no additional cost, or

(3) schedule on-site training at the convenience of the applicant, with applicant reimbursing the board's travel expenses (ie. mileage, hotel/meals, etc.). Mileage reimbursement will be based on the amounts set by the state of West Virginia's Travel Management Office. Information on rates can be found at www.state.wv.us/admin/purchase/Travel.

MULTI DEATH DISASTER SYMPOSIUM

Mark your calendars. The program is scheduled for April 4-6, 2006.

CALENDAR OF EVENTS

January 16 Martin Luther King Day
(Office closed)
January 25 LRR Examination
February 9 Board Meetings
February 20 Presidents Day
(Office Closed)
February 22 LRR Examination

MEMORANDUM ON HANDLING QUESTIONS ABOUT REGULATIONS

On November 8, 2005, the Board issued a memorandum to staff and board members that it is not appropriate for the board or its staff to give advice or opinions on laws and regulations which are not within the jurisdiction of the Board to enforce.

For instance, if you call us with a question about an insurance assignment, we will not be permitted to answer your question directly. We may attempt to get you in contact with the staff at the Insurance Commission or call them for you; but we will not be able to give you advice on such question.

The same goes for other regulations pertaining to preneed, banking, taxes, cemeteries, etc. We can, however, still provide you information on the FTC Funeral Rule and limited information on OSHA standards, as we have adopted those regulations in our rules and therefore have jurisdiction to enforce those regulations.

MEDICAL WASTE RULE CLARIFICATION

During a recent inspection, the Board found that a funeral home was transporting its medical waste to another funeral home for disposal. *This practice is illegal.* Pursuant to this discovery, the Board sought clarification of the medical waste rule from Mr. Nathan Douglas of the Bureau for Public Health. Mr. Douglas provided a very detailed summary of what funeral homes must do with its medical waste. Below is his summary.

West Virginia's definition of infectious waste, as it would pertain to funeral homes, is limited to (1) contaminated sharps; (2) free-flowing, unabsorbed blood; and (3) items heavily saturated with blood. The OSHA Bloodborne Pathogen Standard defines regulated waste as: (1) liquid or semi-liquid blood, (2) contaminated sharps, and (3) any item(s) contaminated with blood or other potentially infectious material that would drip if compressed or where these fluids would flake off when dry during normal handling. Potentially infectious material is defined as internal body organ/cavity fluid:

- (1) semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
- (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium.

In West Virginia, fluids are permitted to be

disposed into a sanitary sewer as long as it is approved by the health department. If a funeral home is not served by a health department approved sewer system, infectious waste cannot be disposed of via sewer pipes or drains. Sharps must be collected in a sharps container.

Infectious medical waste items must be collected in a red bag with the biohazard symbol and wording printed on it. Before transport, the bag must be placed into another bag and then into a cardboard box or plastic shipping container. The shipping container must be sealed shut with packing tape, or be engineered with closure devices. A label must be affixed to the container that indicates the generator's name, address, and phone number.

Small quantity generators, those generating less than fifty (50) pounds of infectious waste per month, may transport their own waste to a *permitted waste management facility*. This means that a funeral home cannot transport its own waste unless delivered to a permitted waste treatment facility or healthcare facility. Delivery to another funeral home or crematory is strictly prohibited, unless that facility has a permit from the Bureau for Public Health as a Waste Management Facility. To obtain a list of such facilities, contact the Bureau for Public Health at (305) 558-6730.

Transportation, other than by small quantity generators, of infectious waste must be conducted by permitted waste transporters using vehicles licensed by the Bureau for Public Health. For a list of permitted transport companies and more information about infectious medical waste, visit <http://www.wvdhhr.org/wvimw>.

Portions of Mr. Douglas' summary above were amended for clarity or to provide additional information where necessary.



RIGHT OF DISPOSITION ON PRENEED CONTRACTS

Recently, the board has received questions regarding the transfer or change of preneed contracts after death has occurred, with respect to the right of disposition. Contracts **can not** be transferred after death, period. Both 6CSR1, § 24 and WV Code §47-14-6(a) confirm this.

6CSR1, § 24 states that the family is obligated to honor the instructions of the decedent when the decedent has provided instructions and a method of payment for his/her funeral. A preneed contract meets this criteria.

§47-14-6(a) states, in part "in the event that, after the death of the contract beneficiary, the contract services or goods are not desired by the heirs or by the personal representative of the contract beneficiary, the party obligated to provide the funeral services, funeral goods or burial goods under the contract shall have authority to provide such services or goods despite the desires to the contrary expressed by such heirs or personal representative. If the service and goods are not provided upon the death of the contract beneficiary because of actions of the seller, provider or person making the preneed funeral contract available, then all of the funds held on deposit shall in ten days be refunded to the contract buyer or his legal representative who also has available any other remedy set forth in this article."

Decedents, who have made their wishes known through a preneed contract, have provided clear instructions for their disposition and the family is obligated to honor those instructions. Keep in mind that, even with preneed contracts, the instructions must be carried out so long as the decedent has funding available to fulfill the wishes of the decedent. Available funding can come from a variety of resources, including but not limited to insurance policies, the estate or cash payment.

WELCOME TO THE NEWEST MEMBERS OF THE FUNERAL INDUSTRY

FUNERAL SERVICE LICENSEES

Heather Smith Glover
Chad M. Tiller
Timothy E. Bias
William R. Ford
Jeffery A. Keller
Rebekah E. Powell
Rachel S. Fischer

CREMATORIES & COURTESY CARDS

none

FUNERAL ESTABLISHMENTS

Ferrell-Chambers Funeral Home, *new ownership*
Ceredo-Kenova Funeral Home, *new ownership*
Bradley J. Mayle Funeral Home, *new ownership*
Greathouse Funeral Home (Nutter Fort), *new ownership*

APPRENTICES

Marla W. Meek

CREMATORY OPERATORS

James G. Lobb
William F. McNear

**Areas with gray background denote OSHA/health related courses. There are several more courses, including OSHA/Health programs, listed on our website, www.wvfuneralboard.com. Consult previously issued newsletters, also.

Certified Provider	Thanos Institute PO Box 1928 Buffalo, NY 14231-1928 Phone: (716) 636-0383 (800) 742-8257 Fax: (716) 689-2821 www.thanosinstitute.com email: Thanosinstitute@aol.com 10 Home-study courses 10 CEU's General Education **Will be adding 1-2 OSHA courses this year	On-Going	FT C Rule, 1.0 CEU's General Education Rules Governing Funeral Directing and Embalming, 2.0 CEU's General Education HIV/AIDS Communicable Disease Education, 4.0 CEU's OSHA Education Location: Homestudy/On-line Sponsor: Elite Continuing Education Registration: Roe Barletta, phone 1-888-857-6920	On-Going	Burial Vault 101 4.0 CEU's General Education Location: Waverly, WV Sponsor: Carr Concrete, (800)837-8918 ext. 21
Certified Provider	Selected Independent Funeral Homes 500 Lake Cook Road, Suite 205 Deerfield, IL 60015 Phone: (847) 236-9401 (800) 323-4219 email: headquarters@selectedfuneralhomes.org www.selectedfuneralhomes.org	On-Going	Religion & The Funeral Director (3CEU's General Ed.) OSHA...(4 CEU's OSHA/Health Ed.) Location: Home Study Sponsor: Elite CME, Inc., (888) 857-6920	On-Going	Annual OSHA Training 3.0 CEU's OSHA Education FTC Training 1-3 CEU's General Education Preneed Training 1-3 CEU's General Education Location: in your facility Sponsor: Regulatory Support Services, (804)784-7347
Certified Provider	Int'l Cemetery & Funeral Association 107 Carpenter Dr., Suite 100 Sterling, VA 20164 Phone: (703) 391-8400 Fax: (703) 391-8416 www.icfa.org email: kgray@icfa.org	On-Going	Casket Manufacturing & Merchandising 4 CEU's General Education Location: Reynoldsville, PA Sponsor: Reynoldsville Casket Co., (814) 653-9666	On-Going (once per month)	Professional Arranger Development Seminar 10 CEU's General Education Location: Batesville, IN Sponsor: Batesville Casket Company, (800) 622-8373
Certified Provider	West Virginia Funeral Directors Association 815 Quarrier Street, Suite 345 Charleston, WV 25301-2616 Phone: (304) 345-4711 Fax: (304) 346-6416 www.wvfda.org email: Rprice0851@aol.com	On-Going	Aurora Plant Tour 1.0 CEU General Education Location: Aurora, IN Sponsor: Aurora Casket Company, (800) 457-1111 www.auroracasket.com	On-Going (daily)	Understanding and Meeting the Needs and Challenges of our Changing Families 7 CEU's General Education Location: Batesville, IN Sponsor: Batesville Casket Company, (800) 622-8373
Certified Provider	Practicum Strategies PO Box 1089 8 Lenore Court Hammonton, NJ 08037 Phone: (800) 731-4714 Fax: (800) 591-6391 email: info@pshomestudy.com www.pshomestudy.com 27 HOME STUDY programs, ranging from 4.0 - 10.0 CEU's Gen. Ed. each & 4.0 CEU's OSHA Education for each below:	On-Going	Communicable... (2 CEU's OSHA/Health Ed.) Marketing a Funeral Home...(3 CEU's General Ed.) Understanding Preneed (4 CEU's General Ed.) Understanding & Creating Exception Funeral Experiences (3 CEU's General Ed.) Personnel Mgmt (4 CEU's General Ed.) Location: Internet Sponsor: Funeral Review.com, (727) 822-4700 www.funeralreview.com	Varies	1/19/06 - Creating Customized Printed Memorialization Items 2/16/06 - Creating Memorial Videos... 3/16/06 - Techniques for Offering Service and Merchandise Options to Cremation Families 4/20/06 - Increasing Staff Morale... 5/18/06 - Options for Attracting Preneed... 6/15/06 - Measuring Which Services and Merchandise are Meaningful to Families 1 CEU General Education Each Sponsor: Int'l Order of the Golden Rule, (800)637-8030
Certified Provider	Hospice Foundation of America 2001 S Street, NW, Suite 300 Washington, DC 20009 Phone: (202) 638-5419 Fax: (202) 638-5312 email: kbaker@hospicefoundation.org www.hospicefoundation.org	On-Going	Eagle Coach Company Plant Tour 2.0 CEU's General Education Location: Amelia, OH Sponsor: Eagle Coach Company, (513) 797-4100	Varies	The Dodge Seminars 22 CEU's General Education 2/6-2/10/06 - San Diego, CA 3/20-3/24/06 - Clearwater Beach, FL Sponsor: The Dodge Institute for Advanced Mortuary Studies, (800)443-6343
On-Going	NFDA On-Line Learning Center 3.0 CEU's General Education for all courses 3.0 CEU's OSHA Education for related courses Location: www.nfda.org Sponsor: NFDA, (800) 228-6332, www.nfda.org	On-Going	CANA 4.0 CEU's General Education Location: Internet (SCI employees only) Sponsor: SCI Mgmt (713) 525-9737	2/5-2/11/2006	Seminar At Sea 7 CEU's General Education Location: Florida, Mexico, and Grand Cayman Sponsor: NFDA, (800)228-6332
On-going	Stewart Enterprises Safety Training 1.5 General Education & 4 Osha Location: Various Sponsor: Blue Ridge Funeral Homes (304) 256-8625	On-Going	Honoring Lives Tour Center 2.0 CEU's General Education Traveling Tour to all 50 states, dates yet to be determined Sponsor: Batesville Casket Co. (866) 877-7373	2/17-2/24/2006	Mortuary Recovery Operations at JPCA/CILHI Facility 4.0 CEU's General Education Location: Honolulu, HI Sponsor: Int'l Order of the Golden Rule, (800)637-8030
On-Going	Funeral Home Fleet Management 2.0 CEU's General Education Location: Amelia, OH Sponsor: Eagle Coach Company, (513) 797-4100	On-Going	OSHA/Health & Safety Training 7.0 CEU's OSHA/Health Education Location: provider will make arrangements Sponsor: Mark Kilkenny, (304) 329-1238	4/5-4/8/2006	Inter-Action: Shaking up the Status Quo 20.5 CEU's General Education Location: Toronto, Ontario Sponsor: Int'l Order of the Golden Rule, (800)637-8030

Questions?...Just Ask Us!

If you need information pertaining to the practice of funeral service, funeral establishments, crematories, etc., write to:

Sherri Douglass
Executive Director
WV Board of Funeral Service Examiners
179 Summers Street, Suite 305
Charleston, WV 25301
wvfuneralboard@msn.com

WANT AN EASY WAY TO ANSWER YOUR QUESTIONS OR GET FORMS?

Go on the internet to www.wvfuneralboard.com. Our new web site can provide you assistance with most of your questions. This is especially helpful during non-business hours. We encourage you to use the web site regularly as a one-stop source for state and federal regulations, as well as general licensing questions.

NEED A COPY OF THE NEW LAW?

To order a copy of the current "West Virginia Funeral Service Examiners Act" and its corresponding rules, please send a self-addressed stamped envelope and *\$6.00 to the address listed above.

*Laws: \$5.00 plus \$1.00 shipping



Let us know how we stack up.
We'd love to hear from you.

STATE OF WEST VIRGINIA
BOARD OF FUNERAL SERVICE EXAMINERS
179 Summers Street, Suite 305
Charleston, WV 25301
(304)558-0302 Voice (304)558-0660 Fax
email: wvfuneralboard@msn.com
web site: www.wvfuneralboard.com

Board Members

Eugene T. Fahey, President

Raymond S. Tomassene, Secretary

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R. Brent Parker

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Legislative Committee

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Continuing Education Committee

Benjamin F. Williams

Continuing Education Committee

LRR Examination Review Committee

C.E. ALERT

To Find out how many CE's you need and the due date, go to <http://www.wvfuneralboard.com/newsletters.htm> and open the document titled **CE Status**. You will find this document on the same page where you downloaded the newsletter. Instructions for determining your status are contained in the document.