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HOUSE BILL NO. 1071

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact §§ 54.1-2816, 54.1-2817, 54.1-2904, and 54.1-3011 of the Code of Virginia, relating to certain health regulatory boards; license renewal; electronic notice.

Patron—Heretick

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2816, 54.1-2817, 54.1-2904, and 54.1-3011 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2816. License renewal; failure to return renewal form.

Prior to the expiration of a license, the Board shall provide to each person licensed to practice funeral service, embalming, or funeral directing a renewal notice and application to be submitted to the Board together with the prescribed fee. Upon request, the Board shall provide renewal notices by mail or electronically to any licensee. The license of any person who does not submit the completed form prior to the date of expiration shall automatically expire. The Board shall immediately notify the person of the expiration and the reinstatement requirements. The Board shall reinstate an expired license upon receipt, within 30 days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the 30-day period shall be at the discretion of the Board.

§ 54.1-2817. Funeral service interns.

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail or send electronically at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than three

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59 years prior to application for license or more than five years prior to examination for license. If all
60 requirements for licensure are not completed within five years of initial application, the Board may deny
61 an additional internship. A funeral service intern may continue to practice for up to 90 days from the
62 completion of his internship or until he has taken and received the results of all examinations required
63 by the Board. However, the Board may waive such limitation for any person in the armed service of the
64 United States when application for the waiver is made in writing within six months of leaving service or
65 if the Board determines that enforcement of the limitation will create an unreasonable hardship.

66 The Board shall have power to suspend or revoke a certificate of internship for violation of any
67 provision of this chapter.

68 No more than two funeral service interns shall be concurrently registered under any one person
69 licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered
70 funeral service intern must be actively employed by or under contract with a funeral establishment.

71 **§ 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.**

72 A. Every license granted under the provisions of this chapter shall be renewed biennially as
73 prescribed by the Board. The Board shall send *by mail or electronically* notice for renewal of a license
74 to every licensee. Failure to receive such notice shall not excuse any licensee from the requirements of
75 renewal. The person receiving such notice shall furnish the information requested and submit the
76 prescribed renewal fee to the Board. Copies of licenses may be obtained as provided in the Board's
77 regulations.

78 B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet
79 professional activity requirements stipulated in the regulations may be reinstated by the Board upon
80 submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent
81 manner and upon payment of the prescribed fee.

82 C. Any person practicing during the time his license has lapsed shall be considered an illegal
83 practitioner and shall be subject to the penalties for violation of this chapter.

84 **§ 54.1-3011. Renewal of licenses; lapsed licenses; reinstatement; penalties.**

85 A. Every license issued under the provisions of this chapter shall be renewed biennially by such time
86 as the Board may prescribe by regulation. The Board shall mail ~~an application~~ *or send electronically a*
87 *notice* for renewal to every licensee, but the failure to receive such ~~application~~ *notice* shall not excuse
88 any licensee from the requirements for renewal. The person receiving such ~~application~~ *notice* shall
89 furnish the requested information and return the form to the Board with the renewal fee.

90 B. Any licensee who allows his license to lapse by failing to renew the license may be reinstated by
91 the Board upon submission of satisfactory evidence that he is prepared to resume practice in a
92 competent manner and upon payment of the fee.

93 C. Any person practicing nursing during the time his license has lapsed shall be considered an illegal
94 practitioner and shall be subject to the penalties provided for violations of this chapter.