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HOUSE BILL NO. 732

Offered January 22, 1996

A BILL to amend and reenact §§ 54.1-2806 and 54.1-2812 of the Code of Virginia, relating to disclosure of funeral home subcontracts.

Patrons—Hamilton and Diamonstein

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2806 and 54.1-2812 of the Code of Virginia are amended and reenacted as follows:
 § 54.1-2806. Refusal, suspension or revocation of license.

The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct which is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;
5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;
10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
11. Using profane, indecent or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;
13. Violation of any statute, ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of this chapter or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered funeral trainees;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral trainees as required by regulations of the Board; and

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60 23. Violating any statute or regulation of the Board regarding the confidentiality of information
61 pertaining to the deceased or the family of the deceased or permitting access to the body in a manner
62 that is contrary to the lawful instructions of the next-of-kin of the deceased.

63 24. *Failure to inform and receive approval from the next of kin before subcontracting any services to*
64 *other funeral service establishments.*

65 §§ 54.1-2812 Itemized statement; general price list of funeral expenses to be furnished; disclosure of
66 subcontracts.

67 Every person licensed pursuant to the provisions of this chapter shall furnish a written general price
68 list and a written itemized statement of charges in connection with the care and disposition of the body
69 of a deceased person.

70 Individuals inquiring in person about funeral arrangements or the prices of funeral goods shall be
71 given the general price list. Upon beginning discussion of funeral arrangements or the selection of any
72 funeral goods or services, the general price list must be offered by the funeral licensee. *If the funeral*
73 *services are to be subcontracted to another funeral services establishment, the next of kin shall be*
74 *informed in writing of the nature of the services to be performed by any subcontracting establishment,*
75 *including the names of the subcontracting establishment. All subcontracting services shall be approved*
76 *in advance by the next of kin.*

77 The itemized statement shall include, but not be limited to, the following charges: casket, other
78 funeral merchandise, vault or other burial receptacle, facilities used, transportation costs, embalming,
79 preparation of the body, other professional services used and disclosure statements required by the
80 Federal Trade Commission, which shall be set forth in a clear and conspicuous manner.

81 Further, there shall be included a statement of all anticipated cash advances and expenditures
82 requested by the person contracting for the funeral arrangements and such other items as required by
83 regulation of the Board of Funeral Directors and Embalmers. The statement shall be furnished to the
84 person contracting for funeral arrangements at the time such arrangements are made if the person is
85 present and, if not present, no later than the time of the final disposition of the body.

86 The general price list and itemized statement of funeral expenses shall comply with forms prescribed
87 by regulation of the Board. All regulations promulgated herewith shall promote the purposes of this
88 section.