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STATE OF WEST VIRGINIA
Board of Funeral Service Examiners
179 Summers Street, Suite 319
Charleston, WV 25301

wvfuneralboard@wv.gov
www.wvfuneralboard.com

RESPONSE TO COMMENTS

1 COMMENT - KIMES:

In 2024 the legislature changed the requirement for funeral director apprentices for funeral directing and disposition, burial and graveside, from general to direct supervision. Your position is it goes against rules that are in place allowing general supervision, while that is correct, I think you fail to recognize that in the same rule under (6CSR) 6-1-12.5....Funeral Directing, it states "...A funeral director, licensed by this state, shall be responsible for, be present at, and **directly supervise** any funeral service, grave side service, committal service or memorial service conducted for compensation within the state."

So, even if an apprentice is participating in one of the above-mentioned actions, there still has to be a WV licensed funeral director in direct supervision at these services according to this rule. This portion of the rule has been in place prior to the introduction of the general supervision provision.

In my opinion, the term general supervision should be completely removed from the rules and all supervision should be defined as direct supervision. This is also in the best interest of the public

1 RESPONSE: THE BOARD WILL CHANGE 6-1-12.5 TO STRIKE "DIRECTLY SUPERVISE" & REPLACE WITH "SUPERVISE" FOR CONSISTENCY THROUGHOUT THE RULE.

2 COMMENT - KIMES:

As a funeral establishment funeral director licensee-in-charge, they are responsible for the establishment's day to day operations and it is imperative that they know all aspects of the goods and services their establishment offers, to include cremation and the selling of pre-need funeral contracts.

2 RESPONSE: THE BOARD AGREES THAT THE LICENSE-IN-CHARGE NEEDS TO KNOW ALL ASPECTS OF THE GOODS AND SERVICES, INCLUDING CREMATION AND SELLING OF PRE-NEED

#3 COMMENT - KIMES:

The proposed rule change to define full time employees in the case of apprentices and funeral establishment licensee's in charge, by deferring the definition to the U.S. Department of Labor. As you can see below the U.S. Department of Labor doesn't give a definitive answer to hours of work to be considered full time.

Fair Labor Standards Act Advisor

How many hours is full-time employment? How many hours is part-time employment? The Fair Labor Standards Act (FLSA) does not define full-time employment or part-time employment. This is a matter generally to be determined by the employer.

There needs to be a more definitive answer to the question of full-time hours.

3 RESPONSE: THE CURRENT LAW HAS 40 HOUR WORKWEEK. BY FOLLOWING THE U.S. DEPARTMENT OF LABOR'S GUIDELINE, THIS WOULD ALLOW THE ESTABLISHMENT TO SET THEIR WORKWEEK, NOT THE BOARD.

4 COMMENT - KIMES:

The proposed rule change to lower CEU requirements from seven every two years, to

six CEU's every two years, with one of the four general CEU's mandated to be an ethics course is a reasonable move. However, even with six hours of CEU every two years can be extremely expensive (these CEU hours can be as costly or even more costly than the actual license that you are getting the continuing education for) and hard for some licensees to obtain the continuing education in person, due to the size of their firms. This could be remedied from only allowing two hours to be obtained through audio, video, and on-line courses, to allowing all six CEU's to be taken on-line and allowing all CEU's taken to be used for funeral licenses and for Certified Crematory Operators renewals

4 RESPONSE: THE MAIN REASON FOR CHANGING THE CEU REQUIREMENT TO SIX (6) HOURS EVERY TWO (2) YEARS IS THE CURRENT LAW IS SEVEN (7) HOURS EVERY TWO (2) YEARS. THE CURRENT LAW ALSO STATES "ONE FOURTH (1/4) OF THE CEU HOURS CAN BE BY AUDIO / VIDEO". IT IS PRACTICALLY IMPOSSIBLE TO OBTAIN 1/4 OF SEVEN (7) HOURS OF CEU'S SO THE BOARD DECIDED TO ALLOW TWO (2) HOURS CAN BE OBTAINED BY AUDIO / VIDEO. LICENSEES CAN OBTAIN FIVE (5) HOURS OF CEU'S BY ATTENDING ONE WORKSHOP / SEMINAR EVERY TWO (2) YEARS. THE FUNERAL DIRECTORS AND CREMATORY OPERATOR ASSOCIATION HAS TWO SEMINARS PER YEAR, ONE IN THE SUMMER AND ONE IN THE FALL AT DIFFERENT LOCATIONS THROUGHOUT THE STATE. THE LICENSEES CAN ATTEND ONE SEMINAR EVERY TWO YEARS AND OBTAIN THE FIVE HOURS OF CEU'S REQUIRED TO MEET THE IN-PERSON REQUIREMENT.

5 COMMENT - SLAUGHTER:

The proposed rule change to lower Continuing Education requirements from seven hours every two years, to six Continuing Education hours every two years, with one of the four general continuing education hours being an ethics course is a reasonable move. However, even with six hours that need completed every two years, it can be extremely expensive and hard for some licensees to obtain the continuing education in person, due to the size of their firms. These in-person hours need to be obtained through conferences that take place three hours or more away from where the licensees work/resides and only take place twice a year. Once in the middle of winter and once in the summer. This can cause a huge strain on firms losing staff for two days while they travel to obtain these hours on the very limited conference days offered. This could be remedied from only allowing two hours to be obtained through audio, video, and on-line courses, to allowing all six Continuing Education hours to be taken on-line and allowing all Continuing Education hours taken to be used for funeral licenses and for Certified Crematory Operators renewals.

5 RESPONSE: SEE RESPONSE # 4

6 COMMENT - KEPNER:

Currently, a Licensee in Charge must be a licensed Funeral Director in the State of West Virginia. The cost is currently \$ 250.00 Biannually. This is in addition to the cost of licensing the main Funeral Home and/or branch Funeral Homes.

The change that is being recommended will result in a **33% increase** to the cost of conducting business.

The addition of required licenses will not increase the value of the service provided to grieving families during the time of their loss. All Funeral Directors have education and training in both the cremation process and a working knowledge of pre-arranged funerals.

This change in my opinion will only affect the cost of providing services to grieving families.

6 RESPONSE:

THE BOARD STRONGLY DISAGREES WITH THE ABOVE COMMENT. ALL FUNERAL DIRECTORS DO NOT HAVE EDUCATION AND TRAINING IN THE CREMATION PROCESS AND A WORKING KNOWLEDGE OF PRE-ARRANGED FUNERALS. THIS REQUIREMENT IS THAT THE LICENSEE-IN-CHARGE (LIC) HAVE A CREMATORY CERTIFICATE OR CREMATORY PERMIT AND A PRE-NEED LICENSE OF CERTIFICATE, NOT ALL FUNERAL DIRECTORS AT AN ESTABLISHMENT. ALSO, NOT

ALL LIC'S ARE OWNERS OF FUNERAL HOMES, THUS THE PAYMENT OF LICENSING FEES IS ON THE OWNER, NOT THE LIC.

7 COMMENT - OLIVER

I am a soon to be mother and currently work at a firm that all of our directors have children. We are a smaller firm and we would have to pick and choose between when each director could go. Most of the classes take place in towns that are 3 or more hours away from where we are located. On a personal level I cannot afford nor would I be comfortable being away from my newborn child for this amount of time. I obviously know and understand that continuing education hours are needed in order to keep my license valid and up to date but this could be remedied. Changing the rule from only allowing two hours to be obtained through audio, video, and on-line courses, to allowing all six Continuing Education hours to be taken on-line and allowing all Continuing Education hours taken to be used for funeral licenses and for Certified Crematory Operators renewal would take the burden away

7 RESPONSE: SEE RESPONSE # 4

8 COMMENT - BOWEN

The rule to change CEUs from 7 to 6 with only 2 of those permitted to be online. The lower CEUs helps but enforcing that they be in person is almost impossible to work out both personally and for the funeral home. The accepted CEUs are only offered twice a year at same location. It is hard for all licensees to attend an all day meeting that is 3 hours away. I strongly think that all CEU hours should be permitted to be obtained online as the in person meetings place a financial burden on licensees due to distance from home and those of us needing childcare for longer and possibly even needing to make overnight accommodations. Please consider accepting all CEUs via online so our personal and professional lives are not negatively affected.

8 RESPONSE: SEE RESPONSE # 4

9 COMMENT - LEAVITT

I am writing to express my support of the proposed changes in respect to the email that was sent out on July 25, 2024 regarding the Series 1 Rule changes.

9 RESPONSE

NO RESPONSE NEEDED.

10 COMMENT - GESSLER

CHANGE WORDING OF DEFINITION OF DIRECT SUPERVISION TO: "Direct Supervision" the physical presence and oversight of an activity by a licensed Funeral Director or embalmer that is on duty at "a" licensed facility in the State of WV, owned, operated and licensed by the employing Funeral Home in the State of WV that the Apprentice is employed.

10 RESPONSE: # 10 RESPONSE: THE BOARD WILL LEAVE AS GENERAL SUPERVISION TO MAINTAIN CONSISTENCY THROUGHOUT THE RULE AND NOT CONFLICT WITH CODE.

11 COMMENT - EDDY

The proposed rule change to lower Continuing Education requirements from seven hours every two years, to six Continuing Education hours every two years, with one of the four general continuing education hours being an ethics course is a reasonable move. However, even with six hours that need completed every two years, it can be extremely expensive and hard for some licensees to obtain the continuing education in person, due to the size of their firms. These in-person hours need to be obtained through conferences that take place three hours or

more away from where the licensees work/resides and only take place twice a year. Once in the middle of winter and once in the summer. This can cause a huge strain on firms losing staff for two days while they travel to obtain these hours on the very limited conference days offered. This could be remedied from only allowing two hours to be obtained through audio, video, and on-line courses, to allowing all six Continuing Education hours to be taken on-line and allowing all Continuing Education hours taken to be used for funeral licenses and for Certified Crematory Operators renewals.

11 RESPONSE - SEE RESPONSE # 4

August 13, 2024

West Virginia Board of Funeral Service Examiners
179 SUMMERS STREET, SUITE 319
CHARLESTON, WV 25301

To the WVBFSE:

I am responding with comments to the WVBFSE concerning your proposed rule changes submitted for consideration for the 2025 WV Legislative Session. Since there are several items under your submission, I will comment on the portions I find most concerning and may not be in the specific order of your Notice of Public Comment submission.

In 2024 the legislature changed the requirement for funeral director apprentices for funeral directing and disposition, burial and graveside, from general to direct supervision. Your position is it goes against rules that are in place allowing general supervision, while that is correct, I think you fail to recognize that in the same rule under (6CSR) 6-1-12.5....Funeral Directing, it states "...A funeral director, licensed by this state, shall be responsible for, be present at, and **directly supervise** any funeral service, grave side service, committal service or memorial service conducted for compensation within the state."

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In my opinion, the term general supervision should be completely removed from the rules and all supervision should be defined as direct supervision. This is also in the best interest of the public.

As a funeral establishment funeral director licensee-in-charge, they are responsible for the establishment's day to day operations and it is imperative that they know all aspects of the goods and services their establishment offers, to include cremation and the selling of pre-need funeral contracts.

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Respectfully,

Robert C. Kimes

WF Funeral Service Licensee

August 15, 2024

West Virginia Board of Funeral Service Examiners
179 SUMMERS STREET, SUITE 319
CHARLESTON, WV 25301

To the WVBFSE:

I am responding with comments to the WVBFSE concerning your proposed rule changes submitted for consideration for the 2025 WV Legislative Session. There was a particular ruling I found that could be changed in regards to Continuing Education hours.

The proposed rule change to lower Continuing Education requirements from seven hours every two years, to six Continuing Education hours every two years, with one of the four general continuing education hours being an ethics course is a reasonable move. However, even with six hours that need completed every two years, it can be extremely expensive and hard for some licensees to obtain the continuing education in person, due to the size of their firms. These in-person hours need to be obtained through conferences that take place three hours or more away from where the licensees work/resides and only take place twice a year. Once in the middle of winter and once in the summer. This can cause a huge strain on firms losing staff for two days while they travel to obtain these hours on the very limited conference days offered. This could be remedied from only allowing two hours to be obtained through audio, video, and on-line courses, to allowing all six Continuing Education hours to be taken on-line and allowing all Continuing Education hours taken to be used for funeral licenses and for Certified Crematory Operators renewals.

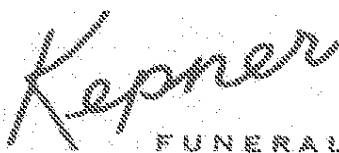
Thank you for your time and consideration.

Respectfully,

Kathryn Slaughter
Licensed Funeral Director (3909)/Embalmer (4809)

"In Wheeling since 1845"
PHONE: 304-232-5110
FAX: 304-232-3341
EMAIL: info@kepnerfuneral.com

2157 Marshall Avenue
Wheeling, WV 26003



FUNERAL HOMES

JOHN D. KEPNER, PRESIDENT
JAMES B. KEPNER, PRESIDENT

WVBFSE
179 Summers Street, Suite 319
Charleston, WV 25301

August 14, 2024

Email - % grady.m.bowyer@WV.gov

RE: Amendment to Legislative Rule (WV Code Chapter 6)

WVBFSE Board & Legislative members;

The legislative rule changes proposed, while not directly increase fees for licenses required by individuals and Funeral Homes, in the State of West Virginia. The change proposed, will require an increase in the number of licenses required. The requirements (section 12.1 Licensee In Charge) change will increase expenses for Funeral Homes.

Currently a Licensee in Charge must be a licensed Funeral Director in the State of West Virginia. This cost is currently \$250.00 Biannually. This is in addition to the cost of licensing the main Funeral Home and/or branch Funeral Homes.

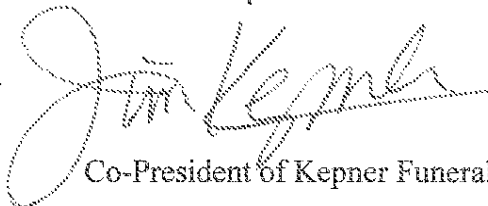
The change that is being recommended will result in a 33% increase to the cost of conducting business.

The addition of required licenses will not increase the value of the service provided to grieving families during the time of their loss. All Funeral Directors have education and training in both the cremation processes and a working knowledge of pre-arranged funerals.

This change in my opinion will only affect the cost of providing services to grieving families.

I would encourage the WVBFSE to keep licensing requirements current.

James B. Kepner



Co-President of Kepner Funeral Homes

186 KRUGER STREET
Licensee in charge: James B. Kepner



NATIONAL ROAD AT BETHANY PIKE
Licensee in charge: James B. Kepner
BURKE CHAPEL, 2101 WARWOOD AVE.
Licensee in charge: Hannah Riggle

August 15, 2024

West Virginia Board of Funeral Service Examiners

179 SUMMERS STREET, SUITE 319

CHARLESTON, WV 25301

To the WVBFSE:

I am responding with comments to the WVBFSE concerning your proposed rule changes submitted for consideration for the 2025 WV Legislative Session. There was a particular ruling I found that could be changed in regards to Continuing Education hours.

The rule being that most of our continuing education hours would need to be done in person.

I am a soon to be mother and currently work at a firm that all of our directors have children. We are a smaller firm and we would have to pick and choose between when each director could go. Most of the classes take place in towns that are 3 or more hours away from where we are located. On a personal level I cannot afford nor would I be comfortable being away from my newborn child for this amount of time. I obviously know and understand that continuing education hours are needed in order to keep my license valid and up to date but this could be remedied. Changing the rule from only allowing two hours to be obtained through audio, video, and on-line courses, to allowing all six Continuing Education hours to be taken on-line and allowing all Continuing Education hours taken to be used for funeral licenses and for Certified Crematory Operators renewal would take the burden away.

Thank you for your time and consideration.

Respectfully,

Jasmine M. Oliver

Licensed Funeral Director (4022)/Embalmer (4922)



Bowyer, Grady M <grady.m.bowyer@wv.gov>

CEU change

1 message

Jeremiah Bowen <jemimab99@yahoo.com>

Thu, Aug 15, 2024 at 3:30 PM

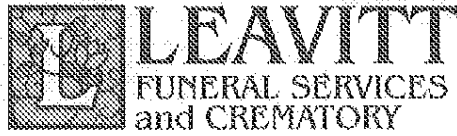
To: grady.m.bowyer@wv.gov

To the WVBFSE:

I am responding with comments to the WVBFSE concerning your proposed rule changes submitted for consideration for the 2025 WV Legislative Session.

The rule to change CEUs from 7 to 6 with only 2 of those permitted to be online. The lower CEUs helps but enforcing that they be in person is almost impossible to work out both personally and for the funeral home. The accepted CEUs are only offered twice a year at same location. It is hard for all licensees to attend an all day meeting that is 3 hours away. I strongly think that all CEU hours should be permitted to be obtained online as the in person meetings place a financial burden on licensees due to distance from home and those of us needing childcare for longer and possibly even needing to make overnight accommodations. Please consider accepting all CEUs via online so our personal and professional lives are not negatively affected.

Thanks,
J. Bowen



West Virginia Board of
Funeral Service Examiners

AUG 21 2024

RECEIVED

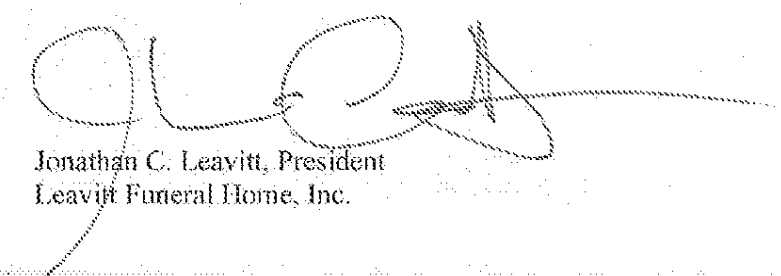
August 18, 2024

WV Board of Funeral Service Examiners
179 Summers Street, Suite 319
Charleston, West Virginia 25302

Dear WV Board of Funeral Service Examiners:

I am writing to express my support of the proposed changes in respect to the email that was sent out on July 25, 2024 regarding:

THE BOARD HAS FILED THE SERIES 1 RULE FOR CHANGES TO BE MADE BY THE 2025 LEGISLATURE. THE ENTIRE RULE, WITH THE CHANGES, CAN BE VIEWED ON OUR WEB PAGE, <https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=57379&Format=PDF>.



Jonathan C. Leavitt, President
Leavitt Funeral Home, Inc.

Trust. Respect. Dignity.
The Legacy of Leavitt's.

 LeavittFuneralHome.com

Jon Leavitt, Owner & LIC
Stephen Leavitt, Owner
Dana A. Fouss, Manager
Andy Johnson, Asst. Manager
Licensed Funeral Directors

403 7th Street • Parkersburg, WV 26101
Phone: (304) 422-6459 • Fax: (304) 422-4313

801 Victor Street • Belpre, OH 45714
Phone: (740) 423-6326 • Fax: (740) 423-6337



WVBFSE
179 Summers Street, Suite 319
Charleston, WV 25301

August 24, 2024

Email - % grady.m.bowyer@WV.gov

RE: Amendment to Legislative Rule (WV Code Chapter 6)

WVBFSE Board & Legislative members;

The legislative rule changes proposed with regard to the supervising of an individual licensed as an "Apprentice" as defined in WV Code 61-1-2 subsection 2.2 and subsection 2.3 should remain as **"Direct" supervision by a Licensed Funeral Director.**

To lessen the burden of this requirement, I would propose a change to WV Code 61.1.2 subsection 2.8 to read:

"Direct Supervision" the physical presence and oversight of an activity by a licensed Funeral Director or embalmer that is on duty at "a" licensed facility in the State of WV, owned, operated and licensed by the employing Funeral Home in the State of WV that the Apprentice is employed.

As an apprentice as recent as 2015, having an "experienced" and "appropriately educated" Professional Funeral Director at the immediate disposal of an Apprentice, was and continues to be (in my opinion) the best method for most importantly caring for families, but also lends to the best method for learning. This does not mean that the preceptor needs to be present, only a Licensed Funeral Director. They don't even have to be in the same room as the Apprentice, nor does it mean that the Licensed Funeral Director needs to be in the "same" facility as the Apprentice, but in this scenario for those Funeral Homes that have multiple locations, the Licensed Funeral Director is not "off duty" and just available by phone or text. In this environment, the Licensed Funeral Director could respond to the Apprentice immediately and under reasonable circumstances could be present immediately or within several minutes to avoid any problems and provide proper care and service to the family suffering thru the tragedy of a loss.

Lastly, in keeping with a "Licensed Funeral Director and/ or Embalmer instead of just a Funeral Service Licensee, the individual providing oversight has had specific and professional education in all aspects of Funeral service.

I would encourage the WVBFSE to keep licensing requirements as they are currently, with the revision to the definition of physical presence being defined in more detail.

Kevin M. Gessler
Licensed Funeral Director
State of West Virginia
WV FD3996 & EM4896

West Virginia Board of
Funeral Service Examiners

AUG 23 2024

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August 19, 2024

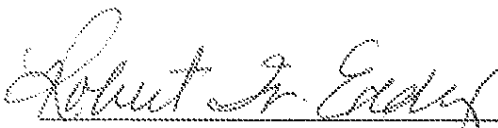
West Virginia Board of Funeral Service Examiners
179 Summers Street, Suite 319
Charleston, WV 25301

Dear WVBFSE:

I am responding to the proposed change in West Virginia Legislation regarding continuing education credits required for funeral directors and embalmers in the state of West Virginia. In the past, it has been acceptable to obtain our continuing education credits through online education venues. With the proposed law change, it would be extremely difficult for many to obtain their hours. The conventions where these hours can be obtained are only available 2-3 days at a time, and are often 3-4 hours from the businesses the funeral directors are employed. Also, in order to obtain the full 6/7 hours required, it usually means the licensee must stay at the location 3-4 hours away from their place of employment, which adds undue hardship to the funeral homes, requiring others to work more and cover the missing person's obligations, since all funeral homes are available 24 hours a day, seven days a week. Also, many firms don't have enough excess staff to rotate out everyone who needs to obtain continuing education credits, making it near impossible for everyone to get their hours when they are required.

As far as changing the hours from 7 credit hours to 6 credit hours, it really doesn't alleviate the problem of needing to obtain hours in person, it would still require the hours to be earned in person and cause a strain to the funeral homes operating in the licensee's absence.

Thank you for your time and attention to this matter,



Robert W. Eddy, funeral director/embalming (3910/4810)