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# I N D E P E N D E N T



Dear Associates,

Well," Spring has sprung" as my Mom would have said. Here in the Tidewater area we are still dealing with that blanket of yellow pollen that makes it almost mandatory to wash cars on a daily basis. As I look around there is new life everywhere. We seem to be more aware that the birds are singing, the bees buzzing around and new blooms and leaves on the trees. With all the newness of life all around me, I can't help but think about all those leaves that will need to be raked when summer ends and fall approaches.

Your association has been busy standing on the front lines for you. One of our major accomplishments was to defeat the "Next of Kin Hierarchy" bill that has been pushed by VFDA for the last several years. Even though this bill didn't make it, I feel we will still have to address this bill in the future. We will keep you updated.

In March, IFHV held "virtual" seminars for a full week so that those who needed to get their required CEU credits could do so on a day of their choosing. There were 35 firms that chose to take advantage of that.

IFHV did and continues to keep us updated on COVID-19 and worked to get us included in the "first responders" group. I hope that by now both you and your staff have had the opportunity to be vaccinated. I know it is still easy for some to be skeptical about where and if this really is a pandemic and has the whole thing been blown out of proportion. I for one can attest to the reality of COVID-19 as I had a distant family member die within two weeks of being diagnosed. For us it was and still is a threat to our way of life.

In closing let me say that our association is only as good as you strive to make it. We all know that times have been tough over the last 15 months, not only in our personal lives but in our business and professional lives. In our last board meeting we were discussing members that had decided to let their membership expire. We started listing all of the different professional organizations that most of us belong to that include: national, state and district. All these organizations require dues and budgets can get strained at times. I would ask that as you consider renewing your membership that you keep in mind that IFHV is there standing in your place when you are not able to.

Thanks for all you do to help those families who turn to you in their time of need.

Sincerely,

J. David Cecil, Jr.

***The Association of  
Independent Funeral Homes  
of Virginia***

**Officers:** David Cecil, President  
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Eric Bliley, Sec/Treasurer  
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## **FEMA TO REIMBURSE FUNERAL EXPENSES**

Many families will be reimbursed for up to \$9,000 for funeral expenses for COVID-19-related funeral expenses through the U.S. Department of Homeland Security's Federal Emergency Management Administration (FEMA). Under the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Rescue Plan Act of 2021, which President Biden signed, FEMA will provide financial assistance for COVID-19-related funeral expenses incurred after January 20, 2020. The funeral assistance is intended to assist with expenses for funeral services and interment or cremation.

There are special conditions related to those with preneed funeral plans.

While those with preneed funeral plans are not eligible, those with regular life insurance that was/is not pledged to fund a preneed funeral contract are eligible for assistance. Furthermore, even if a preneed contract was in place, where there are expenses for items that were not included in the preneed contract, those expenses are eligible for reimbursement. The person or persons signing the preneed contract must make application. Only one claim per death will be paid from the FEMA program.



To be eligible for funeral assistance, applicants must meet these conditions:

- The death must have occurred in the United States, including the U.S. territories, and the District of Columbia.
- The death certificate must indicate the death was attributed to COVID-19. [Page 10 Regulatory Support Services www.regulatorysupportservices.com](https://www.regulatorysupportservices.com)
- The applicant must be a U.S. citizen, non-citizen national, or qualified alien who incurred funeral expenses after January 20, 2020. However, there is no requirement for the deceased person to have been a U.S. citizen, non-citizen national, or qualified alien.

FEMA will began accepting applications in April. The documentation required by FEMA includes:

- An official death certificate that attributes the death directly or indirectly to COVID-19 and shows that the death occurred in the United States, including the U.S. territories, and the District of Columbia.
- Funeral expenses documents (receipts, funeral home contract, etc.) that includes the applicant's name, the deceased person's name, the amount of funeral expenses, and the dates the funeral expenses happened.
- Proof of funds received from other sources specifically for use toward funeral costs. FEMA will not duplicate benefits received from burial or funeral insurance, financial assistance received from voluntary agencies, government agencies, or other sources.

It is important that you make your clients aware of this program. However, we strongly discourage your active participation in the actual application process as this must be done specifically by the individual(s) seeking the benefits. FEMA has actually posted a "SCAM ALERT" on their funeral assistance webpage stating that scammers are "reaching out to people offering to register them for funeral assistance." You do not want to put yourself or your business in a position that may be misconstrued by a grieving client. You will be doing a great service in providing your client with the basic information and directing them to the FEMA website: [COVID-19 Funeral Assistance | FEMA.gov](https://www.fema.gov/covid-19-funeral-assistance) so that they can then follow the instructions clearly outlined by FEMA.

Additional resources from the FEMA website are listed below:

[FEMA POLICY: COVID-19 Funeral Assistance](https://www.fema.gov/covid-19-funeral-assistance)  
[Funeral Assistance FAQ | FEMA.gov](https://www.fema.gov/covid-19-funeral-assistance)

### ***Effective May 15, 2021 – New Limits on Social Gatherings (Including Visitations & Memorial Services)***

1. All Public and Private In-Person Gatherings All public and private in-person gatherings of more than 100 individuals indoors and 250 individuals outdoors are prohibited. A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. The presence of more than 100 individuals indoors, or 250 individuals outdoors, performing functions of their employment or assembled in an educational setting as defined below is not a "gathering." The presence of more than 100 individuals indoors, or 250 individuals outdoors, in a particular location, such as a park, or retail business is not a "gathering" as long as individuals do not congregate. This restriction does not apply to the gathering of Family members as defined in section I, subsection D, paragraph 2 living in the same residence.

Religious services remain exempt from this requirement as long as they maintain proper social distancing, disinfecting protocols, & post appropriate signage.

### **3 Brilliant Tips for Building a Cremation Business From the Ground Up**

[3 Brilliant Tips for Building a Cremation Business from the Ground Up \(connectingdirectors.com\)](https://connectingdirectors.com/3-brilliant-tips-for-building-a-cremation-business-from-the-ground-up)

March 30, 2021

Building a cremation business from the ground up is hard. You have to establish yourself by differentiating from the competition, it's expensive, and it's time-consuming. Knowing the right strategies can reduce the burden of opening a new business and set you up to serve the families in your community faster.



#### **Rethink tradition**

Over the last three years, Eric Neuhaus has built Green Cremation Texas from the ground up. Eric has a lean business model that rethinks traditional operations, focusing on eco-friendly options, maximum efficiency, and transparency. Green Cremation Texas puts the ease, comfort, and needs of families first, with 100% online arrangements and transparent cremation costs. Eric's cremation business encourages families to do everything online in order to lower the demand for physical visits. This keeps costs low and services streamlined.

As a first generation funeral professional, Eric had to learn the cremation business through trial and error. Through that process he uncovered some novel strategies uncommon in traditional funeral business. He recently shared three tips for building a crematory from the ground up in an interview on the Deathcare Decoded Podcast. Texas law allows these strategies. However, as we all know, rules and regulations vary widely from state to state. Check your own state regulations before implementing these for yourself.

#### **Tip 1: You don't need a funeral directors license to own a funeral home**

In most states, you need a funeral director's license to arrange funerals and an embalmer certification to care for bodies; but you do not need a license to start a death care business. In Texas, you can operate a funeral home and see families if you have a provisional funeral directors license, operating under a fully-licensed funeral home director. You can apply for and receive a provisional funeral directors license while you are enrolled in an accredited school or college of mortuary science. (There are provisions and restrictions to maintaining and renewing this license.)

Additionally, researching different state requirements and regulations could play a role in deciding which location is right for your business. For instance, the state of California does not require a mortuary school degree to become a licensed funeral director. Likewise, California doesn't require a degree to start a funeral home. Their only requirements are a funeral director license application, application fee, some college experience, and a passed written exam. Research what the regulations are in your state in comparison to others. Then you can decide what is right for you when getting your cremation business started.

#### **Tip 2: Have a localized presence (even if it's not pretty)**

According to Eric, it's important for families to know that you are physically in their community. He recommends leasing multiple storefronts in different neighborhoods throughout larger cities to firmly establish your business as local and convenient. This helps establish trust with your families. It also helps to put them at ease during the difficult task of planning end-of-life care for their loved ones.

Additionally, in some states, owners with one fully-licensed funeral home location may have a certain number of "exempt" funeral homes within a certain mile distance from that one location. When considering multiple storefronts, this can save on costs while still allowing your business to fully immerse itself in the local community.

In an interview for Deathcare Decoded, Eric explained, "Having a localized presence is really important with any business, and funeral homes are certainly no exception. We looked at the rules and regulations and noticed that it doesn't say anything about curb appeal, and we wanted to have a local presence in multiple communities and local neighborhoods in central Texas. The way that Texas funeral commissions has structured their rules and regulations is that you can have one central fully licensed facility, and then within a 50-mile range you can have other 'exempt'

facilities which essentially means that you don't have an embalming room in those facilities, which is great for us because we don't offer embalming."

Eric has opted for investing heavily in the online experience instead of ramping up the aesthetics of his physical funeral home. He states, "They don't look pretty, but that is by design [ . . . ] The other day we got this not-stellar online review because apparently this gentleman drove past and was displeased by the aesthetics of our funeral home. Which, frankly, I was a little bit prideful of because we don't invest in curb appeal and we are therefore able to save costs, and we pass those cost savings on to families. So, these families don't have to remortgage their home to have a meaningful cremation experience."

Tip 3: In order to grow, get mobile

Any funeral home owner knows that, while body coolers themselves aren't necessarily cheap, their installation can absolutely break the bank. This becomes a real problem if your business needs to relocate as it grows.

Eric's solution was to invest in a mobile refrigerator. As Eric's business grows, he won't have to worry about wasting time, money and valuable resources to relocate refrigerators. Instead of deconstructing and rebuilding, he can simply drive the refrigerator on wheels to a new location. It only moves when a new semi-permanent location is established and can save tens of thousands of dollars.

Especially now in the time of COVID-19, so many funeral homes and crematories are over-capacity with decedents. Mobile refrigerator body storage is an easy solution to that problem. It could also be a huge asset to your wider community in the long run.



Reliable Payments



## [IFHV Merchant Services Savings Calculator](#)

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## **UPDATED GUIDANCE FROM OSHA**

This Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19) provides new instructions and guidance to Area Offices and Compliance Safety and Health Officers (CSHOs) for handling COVID-19-related complaints, referrals, and severe illness reports. On the date this memorandum is issued, the previous memorandum on this topic<sup>[1]</sup> will be rescinded, and this new Updated Interim Enforcement Response Plan will go into and remain in effect until further notice. This guidance is intended to be time-limited to the current COVID-19 public health crisis. Please frequently check OSHA's webpage at [www.osha.gov/coronavirus](http://www.osha.gov/coronavirus) for updates.



The following summarizes OSHA's updated strategy:

- OSHA will continue to implement the U.S. Department of Labor's (DOL) COVID-19 Workplace Safety Plan to reduce the risk of COVID-19 transmission to OSHA CSHOs during inspections.<sup>[2]</sup>
- Pursuant to the March 12, 2021, National Emphasis Program (NEP) for COVID-19, [DIR 2021-01 \(CPL-03\)](#), OSHA will prioritize COVID-19-related inspections involving deaths or multiple hospitalizations due to occupational exposures to COVID-19. In addition, this NEP will include the added focus of ensuring that workers are protected from retaliation.
- Where practical, OSHA will perform on-site workplace inspections:
  - OSHA's goal is to identify exposures to COVID-19 hazards, ensure that appropriate control measures are implemented, and address violations of OSHA standards and the General Duty Clause.
  - OSHA will at times use phone and video conferencing, in lieu of face-to-face employee interviews, to reduce potential exposures to CSHOs. In instances where it is necessary and safe to do so, in-person interviews shall be conducted.
  - OSHA will also minimize in-person meetings with employers and encourage employers to provide documents and other data electronically to CSHOs.
  - In all instances, Area Directors (AD) will ensure that CSHOs are prepared and equipped with the appropriate precautions and personal protective equipment (PPE) when performing on-site inspections related to COVID-19 and throughout the pandemic.
  - To the extent possible, all inspections should be conducted in a manner to achieve expeditious issuance of COVID-19-related citations and abatement.
- In cases where on-site inspections cannot safely be performed (*e.g.*, if the only available CSHO has reported a medical contraindication), the AD will approve remote-only inspections that may be conducted safely.
- Inspections conducted entirely remotely will be documented and coded N-10-COVID-19 REMOTE.

Attached is specific inspection and citation guidance for potentially applicable OSHA standards and the General Duty Clause, including new guidance related to the COVID-19 NEP. This guidance is being provided to the OSHA-approved State Plans for informational purposes only. If you have any questions regarding this policy, please contact the Office of Health Enforcement at (202) 693-2190.

[Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 \(COVID-19\) | Occupational Safety and Health Administration \(osha.gov\)](#)

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## **ARE YOU READY? Major Changes to Virginia's Overtime Pay Requirements**

The Virginia Overtime Wage Act (VOWA) becomes effective July 1, 2021 and contains a number of areas that are different than federal overtime pay requirements. In addition to other changes, the VOWA expands federal provisions by changing the regular rate calculations for workers, providing larger damages for misclassified workers, extending the statute of limitations for overtime claims, and expanding liquidated damages for overtime violations. The full text of the enacted bill can be read [here](#).



### **Highlights:**

- For any hours worked by an employee in excess of 40 hours in any one workweek, an employer shall pay such employee an overtime premium at a rate not less than one and one-half times the employee's regular rate, pursuant to 29 U.S.C. § 207. An employee's regular rate shall be calculated as follows
- For employees paid on an hourly basis, the regular rate is the hourly rate of pay plus any other non-overtime wages paid or allocated for that workweek, excluding any amounts that are excluded from the regular rate by the federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and its implementing regulations, divided by the total number of hours worked in that workweek.
- For employees paid on a salary or other regular basis, the regular rate is one-fortieth of all wages paid for that workweek.

## **REMINDER of Recent Regulatory Changes – Effective March 3, 2021**

The Virginia Board of Funeral Director and Embalmers conducts a periodic review of its regulations approximately every four years. The Board recently completed the comprehensive review of two regulatory chapters, Chapter 20 Regulations Governing the Practice of Funeral Services, and Chapter 30 Regulations for Preneed Funeral Planning. Amendments to these regulations became effective **March 3, 2021**.



**Updates to Regulations Governing the Practice of Funeral Services 18VAC65-20-10 et seq.** [Click here](#) to access a listing of the most notable regulatory changes to the Board's Regulations Governing the Practice of Funeral Services.

**Updates to Regulations for Preneed Funeral Planning 18VAC65-30-10 et seq.** [Click here](#) to access a listing of the most notable regulatory changes to the Board's Regulations for Preneed Funeral Planning.

[Click here](#) to access the updated Preneed Q&A Disclosures for Consumers.

To access updated versions of the Board's Regulations Governing the Practice of Funeral Services and Regulations for Preneed Funeral Planning, visit the [Board's Laws and Regulations](#) page.

To view the interlined changes to the text of the Board's Regulations, please visit the Virginia Town Hall website: [Regulations Governing the Practice of Funeral Services](#) and [Regulations for Preneed Funeral Planning](#).





*Warfield-Rohr  
Casket Co., Inc.*

## IFHV MEMBER BENEFIT WITH WARFIELD-ROHR

To show support of Virginia's independent firms and particularly IFHV members, Warfield-Rohr Casket Company just announced a special casket program just for IFHV firms. The program was reviewed and unanimously endorsed by the IFHV Board of Directors.

The Warfield-Rohr Benefit Program for IFHV Members offers member firms a quantity driven discount plan of up to a combined Terms Discount/Rebate of up to 20%. The rebate program began on August 1 and ends July 31 of each year. The rebate program quarters will end on November 30, February 28, May 31 and August 31 of each year.

Quantity of Caskets Purchased	Terms Discount	IFHV Member Rebate	Total Percentage Rebate	Contribution to IFHV per Casket
1 – 25	5%	6%	11%	\$2.00
26 – 39	5%	9%	14%	\$2.00
40 – 59	5%	10%	15%	\$2.00
60 – 99	5%	13%	18%	\$2.00
100+	5%	15%	20%	\$2.00

To further show support for IFHV and its members, Warfield-Rohr will additionally contribute \$2 for every casket sold by them to an IFHV member. This program is an example of the benefits of IFHV membership and how IFHV works for the mutual benefit of its firm and associate members. Any questions may be addressed by your Warfield-Rohr sales representatives.

## IFHV Fall Virtual Learning Series – September 12 and 13



**Virtual Learning Series  
September 12 and 13**



### **September 12**

4:00 pm – 6:00 pm 2 Hours CE Credit

#### **How to Position Your Business for Today's Digital World** *Courtney Gould Miller, Esq.*

Every business today must think virtually, & funeral service is no different. But, online marketing is also not a one-size-fits-all approach – there are many ways to bring digital solutions into your firm (and a few wrong ways, too!) Courtney Gould Miller, the profession's leading marketing firm, will lead an interactive session highlighting key areas of a digital strategy. She will share cutting edge marketing trends on social media, search, websites, & e-commerce, including case studies featuring funeral homes, Cemeteries, & crematories. She will also share how you can use virtual to increase your connection with families during arrangements and pre-need appointments.

### **September 13**

8:30 am – 10:30 am 2 Hours CE Credit

#### **Consolidation and Competition**

*Glenn H. Gould, III, M.S.*

The pandemic has been a challenge for the US in general but the post pandemic period could represent a greater challenge to the death care profession. In general, Independent funeral homes grow by taking business from corporate funeral businesses, and lose business to discount operations and direct cremation businesses. Glenn's presentation will discuss the death care industry consolidation relative to the challenges and opportunities it creates for Independent Funeral Homes, including the acquisition opportunities on the horizon.