

NEVADA STATE BOARD OF FUNERAL AND CEMETERY SERVICES

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

Tuesday, December 15, 2015, at 9:00a.m.

Video-Conference Locations:

Division of Employment Training and Rehabilitation
3405 S. Maryland Parkway, Main Conference Room
Las Vegas, Nevada

and

Division of Employment Training and Rehabilitation
1325 Corporate Blvd., Main Conference Room
Reno, Nevada

The Nevada State Board of Funeral and Cemetery Services, 501 Hammill Lane, Reno, Nevada, 775-825-5535, is proposing the Adoption, Amendment, and Repeal of regulations pertaining to Chapters 451, 452, and 642 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m., on December 15, 2015 and will be video-conferenced between the above locations. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The majority of the proposed regulation changes are required as a result of the passage of Senate Bill 286 which becomes effective on January 1, 2016. Changes include setting forth requirements of locations in regards to identity and dignity of human remains, procedures for obtaining approval of continuing education, interpretation of good moral character, requirements for managing a location, recusal requirements for Board members, procedures for violation notices, disclosures for the statement of funeral goods and services, and requirements for embalmers, funeral directors, and funeral arrangers.

A copy of all materials relating to the proposal may be obtained at the workshop, by contacting Jennifer Kandt, Executive Director, Nevada State Board of Funeral and Cemetery Services, 501 Hammill Lane, Reno, NV 89511, or by viewing them on the Board website at www.funeral.nv.gov

Persons who are unable to attend the workshop and wish to submit comments may send them to the Nevada State Board of Funeral and Cemetery Services, 501 Hammill Lane, Reno, Nevada, 89511.

The proposed changes may have an economic impact on small businesses and has attached a small business impact statement to this notice.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Jennifer Kandt at 775-825-5535, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations, e-mailed to all on-file industry e-mail addresses, and posted at the following locations:

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Office of the Attorney General
100 N Carson St.
Carson City, NV 89701

Funeral Board Office
501 Hammill Lane
Reno, NV 89511

Notice of this workshop has been posted to the following websites:

Funeral Board Website
Legislative Counsel Bureau Website
Nevada Public Notice Website

Notice of this workshop has been sent to the following county libraries in the State of Nevada:

Battle Mountain Branch Library - 625 Broad Street, Battle Mountain, NV 89820
Carson City Library - 900 North Rook Street, Carson City, NV 89701
Clark County Library - 1401 E. Flamingo Road, Las Vegas, NV 89119
Churchill County Library - 553 South Maine Street, Fallon, NV 89406
Douglas County Library - 1625 Library Lane, Minden, NV 89423
Elko County Library - 720 Court Street, Elko, NV 89801
Eureka Branch Library - 210 South Monroe, Eureka, NV 89316
Goldfield Public Library- Fourth & Crook Street, Goldfield, NV 89013
Green Valley Library - 2797 N. Green Valley Parkway, Henderson, NV 89015
Humboldt County Library - 85 East 5th Street, Winnemucca, NV 89445
Lincoln County Library - 63 Main Street, Pioche, NV 89043
Lyon County Library- 20 Nevin Way, Yerington, NV 89447
Pershing County Library - 1125 Central Avenue, Lovelock, NV 89419
Storey County Library - 95 South R Street, Virginia City, NV 89440
Summerlin Library - 1771 Inner Circle Drive, Las Vegas, NV 89134
Washoe County Library - 30 I South Center Street, Reno, NV 89501
White Pine County Library - 950 Campton Street, Ely, NV 89301

SMALL BUSINESS IMPACT STATEMENT

LCB File No. R067-15

1. LCB File No. R067-15 Small Business Impact Statement pursuant to NRS 233B.0608:

(a) A description of the manner in which comment was solicited from affected small business, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Nevada Funeral and Cemetery Services Board proposed changes to NAC 642 and NAC 451 pursuant to passage of SB286 and additional changes as a result of regulation review. The legislative subcommittee of the Funeral and Cemetery Services Board held a meeting on July 2, 2015 to discuss potential changes and those changes were approved by the Funeral and Cemetery Services Board at a meeting held on July 14, 2015. The changes were sent to the Legislative Counsel Bureau and returned as file number R067-15. A meeting was held on October 13, 2015 for review of file number R067-15.

Comments were solicited during public comment regarding the proposed changes. Additionally, a small business impact survey was sent to all individuals and businesses on the agency's mailing list asking for information on whether the proposed changes could pose an economic impact on their small business. Fifteen businesses responded. Of those 15 responses, 11 of them were from the same individual on behalf of the 11 businesses managed by the same individual. Because each of the 11 responses is identical, it has been counted once in the numbers below. Additionally, only comments which reflect an economic impact on small business are included.

A summary of the responses is included below:

5 responses state that Sec 33, 1. G requiring a licensed embalmer to prepare a body for transport out of state that will not be embalmed would increase costs.

4 responses stated that Sec 33, 1. F requiring a licensed embalmer to remove a pacemaker/defibrillator from a deceased person would increase costs and delay cremation.

4 responses state that Sec 33, 1. C requiring a licensed embalmer to set features would increase costs and delay identification viewing.

3 responses state that Sec 40 NAC 642.160. 1 requiring a licensed funeral director to transport dead human bodies would increase costs (this requirement is already in regulation).

2 responses state that Sec 32 1. B requiring a funeral director to prepare and file death certificates would increase costs, and state that the funeral director should only be required for signing the death certificates, not preparing and filing (certain requirements are in statute).

2 responses state that Sec 33, 1. A requiring that only a licensed embalmer/apprentice embalmer can apply disinfecting solutions upon the human remains would increase costs.

2 responses state that Sec 17 limiting the mileage and/or number of locations for managing an establishment would increase costs and restrict expansion.

1 response states that 2 Sec 33, 1. B requiring licensed embalmer/apprentice embalmer to aspirate fluids from nose and mouth would increase costs and delay identification viewing.

1 response states that section 11 2(d-e) allowing for removal from refrigeration would increase costs if not limited to a "one-time" period.

1 response states that section 27 1(b) requiring a crematory operator certification course offered on a national level increases costs and that allowing manufacturers to conduct this training would significantly decrease the costs associated with the training.

1 response states that adding a definition of physically operating the equipment which would include processing the remains would increase costs; same response noted that some religions require family to start the equipment.

Interested persons may obtain copies of the response summaries by contacting the Board office at 501 Hammill Lane, Reno Nevada 89511.

(b) The manner in which the small business analysis was conducted for LCB File No. R067-15.

The proposed changes were discussed at meetings held on July 14, 2015 and October 13, 2015. As a result of comments from the industry members, it was determined that some of the changes could have a potential economic impact. The Board sent a Small Business Impact Survey to all licensees to gain further information on the potential impact.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects:

(I) Adverse effects:

Potential adverse effects as summarized by the responses above indicate that there could be increased costs by requiring licensed individuals to conduct certain activities. This may require locations to hire additional licensed staff or seek to license current staff.

(II) Beneficial effects:

Funeral industry locations which already have licensed staff performing these duties would benefit from others in the industry meeting the same standards.

(2) Both direct and indirect effects.

(I) Direct effect:

There are no direct fees, fines or costs associated with the regulation.

(II) Indirect effect:

Indirect effects include the need for funeral industry locations to hire more licensed staff or to license existing staff which increases costs for locations which do not currently utilize licensed staff to perform certain functions.

(d) A description of the methods that the agency considered to reduce the impact of LCB File No. R067-15 on small businesses and a statement whether the agency actually used any part of those methods.

A regulation workshop is scheduled for December 15th. The Funeral and Cemetery Services Board anticipates that changes will be made to the existing regulation which will result in a revised proposed regulation and the Board will again consider the impact on small businesses after revisions are made.

(e) The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost to the agency for enforcement.

(f) If LCB File No. R067-15 provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not include any increase in fees or add any new fees.

(g) If LCB File No. R067-15 includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

LCB File No R067-15 does not duplicate any existing federal, state or local standards regulating the same activity.

(h) The reasons for the conclusions of the Funeral Board regarding the impact of LCB File No. R067-15 on small businesses.

The conclusions are based on written responses received, phone calls to the Board office, and comments made during public meetings. The final small business impact statement will reflect any changes resulting from the public workshop held on December 15, 2015.

I certify that, to the best of my knowledge or belief, the information contained in the Small Business Impact Statement for LCB File No. R067-15 was prepared properly and is accurate.



Jennifer Kandt, Executive Director

State of Nevada Funeral and Cemetery Services Board

Submitted by Laura Sussman

Sec. 11, 2e - Consider changing the text to read "Washing, anointing, praying over, viewing or otherwise accompanying the human remains, for a period of time not to exceed 24 hours, **as designated in writing**, by a person acting according to the directions of the decedent or a person have the right to control the disposition of the human remains of the deceased persons. (without this change, it could be understood as **only the person** acting according to the directions..... is who is allowed to do the above mentioned acts).

Sec 32, 1. B – This indicates that the preparation, signing and filing of death certificates and other documents required pursuant to chapter 440 of NRS must be performed only by a licensed funeral director. While a licensed funeral director should be required to gather the information and sign the paperwork, preparation and filing are often done by other staff who are not licensed funeral directors. Requiring licensed funeral directors to directly perform these other tasks will slow the process for families and increase the costs, due to having to hire higher paid, licensed staff to do clerical work.

Sec 33, 1. A – Requiring that only a licensed embalmer/apprentice embalmer can apply disinfecting solutions upon the human remains of a deceased person will greatly impact the many families who choose not to have their loved ones embalmed, but will have to pay the charge for a licensed embalmer to perform services which can be done by other staff. Our funeral home cares for many individuals whose faith does not permit embalming. The deceased is washed with a disinfecting soap, by my staff or members of the family, house of worship or a community group. I understand the need to regulate preservation solutions, or any solutions injected into a deceased person, but regulating the washing of the deceased person to only licensed professionals will increase costs to the family, delay the care of the deceased, based on the availability of the licensed embalmer, and not allow certain cultural and religious groups to perform their rites.

Sec 33, 1. B – Our facility requires the identification of a loved one prior to a cremation or burial. To provide for the best possible experience for the next of kin, and for the dignity of the deceased person, often fluids must be aspirated prior to this identification viewing. Requiring this simple procedure to be done by a licensed embalmer will cause the family to make an additional trip to the funeral home, as they have to wait until the embalmer is available, versus being able to see their loved one immediately during the arrangement process. In addition, the cost for the embalmer to do the procedure will have to be passed on to the family, thereby increasing their charges. I suggest that this item be revised to allow for families to give permission, in writing, to allow any member of the funeral home staff to aspirate the nose and mouth.

Sec 33, 1. C - Our facility requires the identification of a loved one prior to a cremation or burial. To provide for the best possible experience for the next of kin, and for the dignity of the deceased person, the eyes and mouth of the deceased person are closed. Requiring this simple procedure to be done by a licensed embalmer will cause the family to make an additional trip to the funeral home, as they have to wait until the embalmer is available, versus being able to see their loved one immediately during the arrangement process. In addition, this will add a cost to the charges the family incurs. I suggest that this item be revised to allow families to give permission, in writing, to allow any member of the funeral home staff to mechanically close the mouth of the deceased person.

Sec 33, 1. F – Removing a pacemaker/defibrillator from a deceased person is a simple procedure. Requiring a licensed embalmer to perform this task could delay getting a deceased person

to the crematory and will add a cost to families. I would suggest that this item be revised to allow families to give permission, in writing, to allow any member of the funeral home staff to remove the pacemaker/defibrillator of the deceased person.

Sec 33, 1. G – Our funeral home cares for many people who are not embalmed prior to being transported out of the state. This is mainly for religious reasons, but also for ecologically minded families. These deceased persons are washed and dressed or shrouded prior to being placed in BioSeal, prior to transport. As proper permits are secured and there is no invasive procedure involved, I question the need of a licensed embalmer being involved in this preparation. I would like to see this item removed, as it will only add to the charge the family incurs, without adding any service.

Sec 642.160. 1 – Requiring a licensed funeral director to transport dead human bodies will add a great cost to the family. Being a licensed funeral director doesn't equate to a good driving record. I suggest that any staff member with a valid driver's license should be able to transport a body.

Submitted by Brian Rebman

Continuing Education - Why are we requiring a funeral director / embalmer / owner to get continuing education after they have made the effort to go to school for at least a two year program, thus learning the history, societal mores, customs, business, laws, ethics and best practices pertaining to serving the public professionally, but someone that can study for a month, pass a state test and get licensed as a "Funeral Arranger" has no requirements for continuing education. An active funeral director / embalmer keeps up with the modern practices by being in the business every day. This requirement is a burden to me as a small business owner that is trying to take care of a myriad of business issues, ie. facilities, payroll, automotive equipment, ordering merchandise, accounts receivables, accounts payable, insurance, licensing, advertising, etc. as well as meeting with families for arranging, embalming, conducting and follow up for funerals, cremations and shipouts, while trying to be an ambassador in our community and a partner in community service, ie. Chamber of Commerce, Rotary, Church organizations, Scouting, Etc.

Section 17. 1 - 4 While this provision doesn't affect me at the present time, it could if I were to purchase another mortuary in an area close to me. I don't think you can do numbers 1, 2, 3 without leaving in number 4. I am certain that there are rural parts of our State that need an exception to the 120 mile rule. The mortuary in Caliente is 130 miles from our mortuary in Logandale, but it would be reasonable for us to purchase that mortuary and provide services in Lincoln County, with a "funeral arranger" administering to the daily affairs of the mortuary in Caliente. If you remove provision #4, it could really hurt a small rural community.

Section 24 I just need clarification. We contract with another mortuary for our cremations. Of course the name and location of the crematory is listed on the death certificate and on the cremation authorization. Is this sufficient notification?

Section 33.(F) **"The removal of a device or prosthetic from human remains must be performed by an embalmer or apprentice embalmer."** This is something that can be done by other staff

and goes along with my problem for Section 33. **(G) "The preparation for human remains for Transportation."** I have staff members that are not licensed embalmers or apprentice embalmers that help in removing pacemakers, placing remains in cremation containers and shipping containers, embalmed and unembalmed for transportation to our offsite crematory and to the airport.

Section 40 is a continuation of my problem with section 33. It is reasonable that we hire people, full time, part time and per diem to transport bodies to our crematory (Unembalmed in a suitable container) and (embalmed in caskets, combo units and on cots) to the airport, to other mortuaries, cemeteries and crematories. You can't expect that only the licensed funeral director or embalmer can do all the transporting. For example, we had funeral services in Alamo, Nevada on Saturday, then funeral services and burial in Ogden, Utah for the same person on Monday, a non licensed person can transport the casketed remains with the proper paperwork. Or another case, someone dies in Salt Lake City, Phoenix or Southern California, once the permits are in place and embalming is performed, I might hire one of my sons, or someone not employed by the mortuary to drive to bring the body on a cot back to my mortuary for me to prepare it for casketing and funeral services. We move bodies all the time. We always have the burial transit permit in place before taking a body across state lines, and the body is always in an appropriate container, but it is unreasonable to expect the licensed funeral director, embalmer or even the apprentice embalmer to do the transport.

Furthermore, I have not seen any restrictions for people supervising a funeral at a church, community center, school etc. So if I send my wife, and son, or a hired person to conduct the funeral services, I have to have a licensed embalmer or Apprentice embalmer transport the body to and from the church, etc.? Doesn't make sense. Every mortuary throughout the state (Large and Small) has "Service" people that drive to the church to conduct the services, thus transporting human remains. Same with moving bodies to the airport in combo units and air trays.

Submitted by JoAnn Busam (These comments were not included as part of the small business impact statement as they were not received by the deadline)

"Law states transport to be done by licensed Funeral Director or person working under their direction. Change to anything other than licensed arranger would be almost impossible. Our world is changing, we have to change with it."

SMALL BUSINESS IMPACT SURVEY

1. Name of small business:

Pahrump Family Mortuary

2. Person submitting survey. Please provide name, position and title at the small business:

Walt Hartley Funeral Director Lic. FD626

3. Number of employees employed by the small business:

7

4. Please describe how the proposed changes may pose significant economic burden upon the business or directly restrict the formation, operation or expansion of the business. Please make sure your response includes specific sections or details of the regulations and how those changes would impact the business.

I HAVE BEEN TRAINED BACK IN THE EARLY 90'S
TO REMOVE POOR MARKERS AND TO SET FEATURES FOR FAMILY
I.D. VIEW OR VISO VIEW.

TO MAKE US WAIT UNTIL OUR CONTRACT EMBALMER COME'S
OUT WOULD CAUSE A DELAY IN CREMATION IF WE HAVE TO
WAIT. ALSO THE FAMILIES WE SERVE WOULD HAVE TO WAIT
AND THIS WOULD CAUSE A BACK LOG IN CREMATIONS AND
VIEWING TIMES

I HOPE THAT I CAN BE GRANDFATHERED IN
IF THE LAW IS GOING TO CHANGE TO BE ABLE TO CONTINUE
SERVING THE FAMILIES I AM BLESSED TO SERVE.

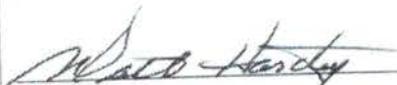
FEEL FREE TO CALL IF I CAN ANSWER ANY OTHER
QUESTIONS 1-775-209-0183

OR

EMAIL HARTLEYWW@aol.com

(Please attach additional sheets if necessary).

5. Please sign and date:


Signature

Nov-17, 2015
Date

6. Please mail this survey to be received by November 24, 2015 to: Jennifer Kandt, Executive Director, State of Nevada Funeral and Cemetery Services Board, 501 Hammill, Reno, NV 89511.

First of all Heritage Mortuary Inc. would like to say, "Thank You", for giving us an opportunity to voice our concerns in this small business impact survey. This sheet answers question 4. Please describe how the proposed changes may pose significant economic burden upon the business or directly restrict the formation, operation or expansion of the business. Please make sure your response includes specific sections or details of the regulations and how those changes would impact the business.

In light of all these new changes are the concerns of Heritage Mortuary Inc. We have a question regarding Section 14, "Hours of continuing education" Please clarify if this training applies to all employees of the funeral home and is there a certain frequency for the training?

In regards to Section 31, number 1, is there going to be any grand-fathering given out to members that have arranged and or have 40 years of experience in the funeral home industry? This may be a factor, but we are working on getting a few individuals licensed as an arranger. Will there be any waivers given if arrangers are not licensed?

In regards to Section 33, g, transportation out of the state by only licensed or apprentice embalmer would be a factor for us a small business. Since we are not financial able to hire multiple embalmers, one conducting the day to day operations and another to transport bodies.

In regards to 642.160 section 2a, Is the board going to provide a list of approved containers for transport or are they going to validate via funeral home equipment suppliers?

In regards to the lined out fees starting on page 29, we are not sure if this will be a factor. What are the new fees? Is there a huge change?

(Attachment to Small Business Impact Survey)

Submitted by Rick Noel on behalf of 11 locations

642 of NRS;

Section 11; 2(d) - change to a one time period not to exceed 1 hour; 2 (e) - change to a one time period not to exceed 2 hours – **If the remains are allowed to be removed from refrigeration more than once, this increases labor costs to the funeral establishment**

Section 17; 3 – don't restrict a funeral director from managing more than 3 establishments – **Forcing funeral homes to hire more management will result in higher prices to the public**

Section 27; 1(b) – remove on a national level – Allow manufacturers of crematories to conduct crematory certification programs – **Forcing all crematory operators to take a nationally certified program at a cost of \$595 per person is unreasonable; this will result in higher prices to the public and negatively impact the consumer**

Section 29; 1 – Please clarify “procedures” used in the embalming process

Section 32; 1(b) – The preparation and filing of death certificates and burial permits and other documents should be allowed by any funeral home representative; **only the signing** of such should be required by a licensed funeral director; Otherwise, this will not be cost efficient and will create increased prices to the consumer

Section 33 (a) – Remove “upon or”; (c), (d), (e), (f) – Allow any trained funeral home representative to engage in these procedures while under the supervision of a licensed embalmer; Otherwise, labor costs will significantly increase, resulting in higher prices to the public; (g) – Define “Preparation”; if referring to embalming, replace with the word “embalming”; otherwise, eliminate the requirement

642.160; 1 – A licensed funeral director add “or funeral home representative”; 2 – A licensed funeral director add “or funeral home representative”; (a) – Define containers approved by the board; (b) - add “common carrier” to acceptable methods of transportation

Section 42; NAC 642.180; 8 - ...the staff or investigator may (change to “copy”) the record or evidence and (change to “will leave the original”) record or evidence with the respondent; (In the event of a lawsuit, the funeral establishment may need the original documents)

Additional Request for Changes as Follows:

4(a) – Starting the equipment – Some religious beliefs require a family member to start the cremation process themselves; 4 (d) – Allow any funeral home representative, who has been properly trained by a certified crematory operator, to process cremated remains, including the initial placement into a temporary urn; requiring a certified crematory operator to process cremated remains will result in increased labor costs to the establishment, resulting in higher prices to the consumer

Membership Questions Provided by the International Conference of Funeral Service Examining Boards

Nov-15

Question:

"Does your jurisdiction require only a licensed embalmer to remove pacemakers or require only licensed embalmers to suture a body after autopsy? Can anyone do this work or are there any restrictions?"

STATE

| | |
|----------------|--|
| North Dakota | This would be called embalming or funeral directing, so a license is required to do anything of this nature to a dead human body. North Dakota |
| Maryland | Both require a license in Maryland. |
| Saskatchewan | Saskatchewan: As both are surgical procedures, they can only be done by a licensed embalmer. |
| West Virginia | Pacemakers are removed by a licensed funeral director or licensed apprentice. No other persons are allowed in the embalming room. If an autopsy is done, generally the surgeon doing the autopsy or the medical examiner who did the autopsy does the sutures. Our funeral directors do not do autopsies. |
| Washington | Our jurisdiction requires licensed embalmers or registered intern embalmers to remove pacemakers and suture human remains following an autopsy. Our Board recently made a provision for crematory operators to open a cremation container for the purpose of identifying the human remains prior to cremation, but pacemaker removal still must be done by an embalmer or intern embalmer. |
| Mississippi | The Board does not regulate this procedure. |
| Louisiana | Our regulations do not specifically state this, but each funeral home is in charge of assuring that pacemakers are removed before cremation and generally an embalmer is the person to do the removal. Suturing a body after an autopsy, again is not specifically stated but only an embalmer or a registered intern is allowed in the prep room to do any embalming related tasks. All funeral homes practice/follow OSHA regulations for this with documentation for safety and liability purposes. |
| South Carolina | We do not have any jurisdiction over this. |
| Arizona | Only licensed embalmers or embalmer assistants may remove pacemakers. The same applies when suturing a body after an autopsy in Arizona. |
| California | Based on California's definition of an embalmer, here is how we have responded to that question: Neither the Business and Professions Code nor the Health and Safety Code specifically address the removal of pacemakers for decedents prior cremation; however, the removal of a pacemaker prior to cremation <i>may</i> involve the practice of an embalmer depending on whether derma surgery is required and the degree of risk involved with the transmission of infectious microorganisms and disease by untrained, unlicensed persons. For reference, here is California's definition of an embalmer: Business and Professions Code Section 7640: An embalmer is one who is duly qualified to disinfect or preserve human remains by the injection or external application of antiseptics, disinfectants or preservative fluids; to prepare human bodies for transportation which are dead of contagious or infectious diseases; and to use derma surgery or plastic art for restoring mutilated features; and who is duly licensed as an embalmer under the laws of the State of California. |
| Kansas | Kansas law defines embalming as: "Embalming" means chemical preparation of a dead human body for disposition. This term shall include all activities leading up to and including arterial and cavity embalming, including the setting of features, raising of vessels, and suturing of incisions. In regards to the removal of pacemakers, Kansas law states: Bodies with pacemakers or hazardous implants in the custody of a crematory operator shall have any pacemaker or hazardous implant removed by an embalmer at a funeral establishment or branch establishment with an embalming preparation room unless the removal is to take place at a medical facility by the appropriate medical personnel. |

Virginia

While we do not have any wording in our laws or regulations that specifically speaks to your question, our definition of the "practice of funeral services" would require a funeral service licensee to perform those tasks. The definition is as follows:
"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

Indiana

Below is the only mention of pacemakers in the Indiana statutes.

IC 23-14-31-27 Authorization procedure; immunity from liability; exceptions

Sec. 27. (a) Except as provided in subsection (c), a crematory authority shall not cremate human remains until the authority has received the following:

(1) A cremation authorization form provided by the crematory authority, signed by an authorizing agent, containing the following information:

- (A) The identity of the human remains and the time and date of death.
- (B) The name of the funeral director who obtained the cremation authorization.
- (C) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.
- (D) A statement by the authorizing agent that the authorizing agent:

(i) has the right to authorize the cremation of the decedent;

(ii) is not aware of any person who has a superior priority right to that of the authorizing agent; or

(iii) if the authorizing agent is aware that there is another person who has a superior priority right to that of the authorizing agent, a statement that the authorizing agent has made all reasonable efforts to contact the person, has been unable to contact the person, and has no reason to believe that the person would object to the cremation of the decedent.

(E) Authorization for the crematory authority to cremate the human remains.

(F) A statement that the human remains do not contain a pacemaker or any other material or implant or radiation producing device that may be potentially hazardous or cause damage to the cremation chamber or the individual performing the cremation. The authorization form may state that the funeral director is not liable for damages caused by a pacemaker or other implanted device that was not disclosed to the funeral director or of which the funeral director could not reasonably be aware.

(G) The name of the funeral director authorized to receive the cremated remains from the crematory authority or, if the crematory is on cemetery property, the cemetery authorized to receive cremated remains.

(H) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, niche, or scattering area, the form may indicate that the cremated remains will be held by the crematory authority for not longer than thirty (30) days from the date of cremation before the remains are released. The form may indicate that the crematory authority shall return cremated remains that have not been disposed of within thirty (30) days to the funeral director or funeral home of record who shall hold them for not longer than sixty (60) days from the date of cremation before disposing of the cremated remains either as previously authorized or, if there is no authorization, in any legal manner. The funeral home has no liability for:

(i) disposing of cremated remains in any manner permitted by law if the remains have been held; or

(ii) holding the cremated remains;

in excess of the sixty (60) days permitted under this clause if the authorizing agent fails to claim the remains during the sixty (60) day period. The funeral home must first send written notice by certified mail return receipt requested to the authorizing agent explaining the intentions of the funeral home regarding the disposal of or holding of the cremated remains in order for the funeral home to be immune from liability under this clause.

(I) A statement confirming the identity of the valuables belonging to the decedent previously taken and being held by the funeral director or the funeral home.

(J) A statement prohibiting the crematory from selling nonorganic material recovered from the human remains.

(K) A statement that the authorizing agent has made specific arrangements for any viewing of the decedent before cremation, or for a service with the decedent present before cremation. If a viewing or service is planned, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form.

(2) A completed and executed burial transit permit provided by the local health officer to the funeral director indicating that the human remains are to be cremated.

(3) A copy of:

(A) the completed and executed certificate of death; or

(B) a release for cremation by the coroner if an investigation of the circumstances of the deceased person's death came under the authority of the coroner, but the release does not constitute an authorization as required by this chapter.

(b) The cremation authorization form required under subsection (a)(1) must be signed by the funeral director who obtained the cremation authorization. The funeral director shall execute the cremation authorization form as a witness and is not responsible for the representations made by the authorizing agent unless the funeral director has actual knowledge of a false or inaccurate representation. The funeral director shall certify to the crematory that the human remains delivered to the crematory authority are the human remains identified by the authorizing agent on the cremation authorization form.

(c) Notwithstanding subsection (a)(3)(A), a death certificate is not required for the cremation of the remains of a person:

(1) who died in another state; and

(2) whose remains are transported to Indiana by:

(A) a licensed funeral director; or

(B) the agent of a licensed funeral director;

for the purpose of cremation at an Indiana crematory;

if the funeral director or funeral director's agent obtains the documents required for cremation by the state in which the death occurred. However, if final disposition of the human remains is to occur in Indiana, the provisions of subsection (a)(3)(A) shall apply.

As added by P.L. 231-1995, SEC. 2. Amended by P.L. 174-1996, SEC. 1; P.L. 52-1997, SEC. 5; P.L. 169-2003, SEC. 1.

IC 23-14-31-36 Time; human remains containing hazardous materials; exceptions

Sec. 36. (a) Except:

(1) when waived in writing by the city or county health officer where the death occurred; or

(2) as provided in subsection (d);

human remains shall not be cremated less than forty-eight (48) hours after the time of death as indicated on the medical certificate of death or the coroner's certificate.

(b) Except as provided in subsection (a), unless the crematory authority has received specific instructions to the contrary on the cremation authorization form, a crematory authority may schedule the actual cremation to be performed at the authority's convenience at any time after the human remains have been delivered to the crematory authority.

(c) A crematory authority shall not cremate human remains when the authority has actual knowledge that the human remains contain a pacemaker or other material or implant that may be potentially hazardous to the individual performing the cremation.

(d) The mandatory delay of forty-eight (48) hours imposed by subsection (a) does not apply to the cremation of the remains of a person:

- (1) who died in another state; and
- (2) whose remains are transported to Indiana by:
 - (A) a licensed funeral director; or
 - (B) the agent of a licensed funeral director;for the purpose of cremation at an Indiana crematory;

if the funeral director or funeral director's agent obtains the documents required for cremation by the state in which the death occurred.

As added by P.L. 231-1995, SEC.2. Amended by P.L.52-1997, SEC.6.

Minnesota

Once the body is taken into a licensed morticians custody, Minnesota licensed morticians are trained and licensed to complete both the removal of pacemakers (prior to the cremation process), and the suturing of a body after an autopsy has taken place as part of the post-mortem care and preparation of those human remains. MN Statute Chapter 149A, Mortuary Science; Disposition of Dead Bodies regulates the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies for the purposes of public health and protection of the public.

Although MN Statute Chapter 149A does not specifically address the role of the mortician in either the removal of pacemakers or the suturing of a dead human body following an autopsy; licensed morticians engage in the practice of the removal of pacemakers and the suturing of a body after an autopsy as part of the preparation for final disposition. In fact, once the autopsy is completed by the medical examiner it is a decision of the medical examiner's office if the office will release custody to an unlicensed individual or if the body must be released directly to a licensed mortician for the removal and care of those remains for final disposition.

In Minnesota, a crematory will not accept human remains for cremation if the decedent has a pacemaker. Also, Minnesota law requires that a cremation authorization form be signed by the person that has the legal right to control final disposition of the human remains. Due to the law requiring written authorization, and the practice of removing pacemakers (mechanical devices) prior to cremation a licensed mortician would be required to make arrangements with the families to obtain proper permits and authorizations including permission to remove all mechanical devices prior to cremation.

Oklahoma

This is not addressed in Oklahoma Law

Crematory Operator Certification is required in the following states:

First Line is State in question

Second Line is the Statute/Regulation/Code's designation

Third Line is the link to the given state's text with this law.

- **Arizona** –license requires training by an accredited organization or manufacturer
32-1394.01
- **California** – crematory managers must be licensed.
HSC §8347 A & B
- **Georgia** - The Board shall require the Funeral Director in Full and Continuous Charge to be certified as a crematory operator from a course approved by the Board.
Rule # 250-6.07 (4)
- **Illinois** – crematory operators must be certified by an approved organization.
410 ILCS 18/22
- **Kansas** – license requires training by an approved organization.
§65-1771 A & B
- **Louisiana** – license requires training by an approved organization
Title 37 872 B-4
- **Maine** – anyone who may do a cremation needs certified by board approved program
Reg. 10-144 2-J
- **Maryland** – law requiring certification passed, regulations pending
Reg. 09.34.06 5 B 5 & 6
- **Mississippi** – retort operator must be certified by board approved program
73-11-41 8

- **Nebraska** - license requires training by CANA or a manufacturer
§ 71-1359
- **New Hampshire** – license requires training by CANA or a manufacturer
§325-A:4
- **New York** – license requires training by an approved organization every five years. NY law and environmental regulations must be included.
§1517 j
- **North Carolina** – license requires training by CANA
§ 90-210.121 14
- **South Carolina** - Requirement for at least one trained individual in performing cremations
§57-14 3 & 4
- **Texas** – operator is trained and certified by CANA
Sec. 651.657
- **Virginia** – license requires training by CANA or ICCFA with a manufacturer. Virginia law must be covered.
18VAC65-20-435 D
- **West Virginia** – license requires course by board approved provider such as CANA.
§30-6-11

**PROPOSED REGULATION OF THE NEVADA FUNERAL AND
CEMETERY SERVICES BOARD**

LCB File No. R067-15

September 17, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets [~~emitted-material~~] is material to be omitted.

AUTHORITY: §§1-11, NRS 451.640, 452.026 and 642.063; §§12-27 and 29-44, NRS 642.063; §28, NRS 642.063, 642.115 and 642.455.

A REGULATION relating to decedents; setting forth certain duties and procedures concerning cremation services; establishing the Nevada Funeral and Cemetery Services Board's procedure for issuing a notice of violation to licensees, permittees and holders of a certificate; setting forth procedures concerning changes affecting and the renewal of licenses, permits and certificates issued by the Board and the approval by the Board of continuing education required for funeral directors and embalmers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Funeral and Cemetery Services Board and grants the Board authority to issue licenses, permits and certifications to cemeteries, crematories, funeral establishments, direct cremation facilities, funeral directors, funeral arrangers and embalmers. (Chapters 451, 452 and 642 of NRS, as amended by Senate Bill No. 286, chapter 348, Statutes of Nevada 2015) Existing law also authorizes the Board to adopt regulations to carry out certain provisions relating to funeral directors, funeral arrangers, embalmers and operators of cemeteries and crematories. (NRS 451.640, 452.026 and 642.063)

Section 9 of this regulation sets forth the duties of an operator of a crematory, funeral establishment or direct cremation facility with regard to the identity of human remains.

Sections 10, 11, 17, 18, 22, 24, 26, 32, 34, 36, 37, 40 and 41 of this regulation incorporate the newly authorized permits for the operation of direct cremation facilities and licenses to engage in business as a funeral arranger in regulations. **Section 44** of this regulation provides that the effective date of this regulation is January 1, 2016.

Sections 13, 14 and 28 of this regulation set forth the procedures for obtaining approval of the continuing education required for funeral directors and embalmers. **Section 15** of this

regulation interprets the term “good moral character” for the purpose of the issuance by the Board of a license, permit or certificate to cemeteries, crematories, funeral establishments, direct cremation facilities, funeral directors, funeral arrangers and embalmers.

Section 17 sets forth the requirements for a funeral director to obtain approval by the Board to manage a funeral establishment or direct cremation facility.

Section 21 of this regulation sets forth the circumstances in which a member of the Board is required to recuse himself or herself from proceedings of the Board.

Section 22 establishes the procedure that the Board will follow regarding issuing a notice of violation to the operator of a funeral establishment, direct cremation facility, crematory or cemetery.

Section 23 of this regulation sets forth additional requirements concerning a statement of funeral goods and services selected that is required to be provided pursuant to federal law.

Sections 25 and 26 of this regulation set forth procedures relating to changes to the name of the holder of a license, permit or certificate issued by the Board or the location of the place of business of a funeral establishment, direct cremation facility or crematory.

Section 27 of this regulation sets forth the requirements for approval by the Board of a crematory certification program which is required for persons who physically operate crematory equipment.

Section 35 of this regulation requires every funeral establishment to employ, or retain on a contract basis, a licensed embalmer.

Section 1. Chapter 451 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Cremation” has the meaning ascribed to it in NRS 642.010.*

Sec. 4. *“Crematory” has the meaning ascribed to it in NRS 642.012.*

Sec. 5. *“Direct cremation facility” has the meaning ascribed to it in section 3 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950.*

Sec. 6. *“Embalmer” means a person who is licensed as an embalmer pursuant to chapter 642 of NRS.*

Sec. 7. *“Funeral director” has the meaning ascribed to it in NRS 642.015.*

Sec. 8. *“Funeral establishment” has the meaning ascribed to it in NRS 642.016.*

Sec. 9. *The operator of a crematory, funeral establishment or direct cremation facility shall ensure that:*

1. Any human remains awaiting cremation are properly identified at all times.

2. The identity of the human remains is maintained throughout the entire cremation process.

3. The identifying document or label for the urn referred to in NRS 451.680 is affixed to the urn in a secure manner.

Sec. 10. *1. The records required to be kept pursuant to NRS 451.665 by the operator of a crematory, funeral establishment or direct cremation facility must be maintained for at least 7 years.*

2. Maintaining such records in a digital format satisfies the requirements of subsection 1.

Sec. 11. *1. Except as otherwise provided in NAC 451.010, the operator of a crematory, funeral establishment or direct cremation facility shall ensure that each dead body of a human being is embalmed or refrigerated at a temperature of not more than 45 degrees Fahrenheit within 24 hours after the operator receives the human remains.*

2. *Except as otherwise provided in subsection 3, a funeral director, embalmer or another person assisting in the preparation of human remains for final disposition may delay the refrigeration of or remove the human remains from refrigeration for the following activities:*

(a) *Embalming the human remains;*

(b) *Transporting the human remains;*

(c) *Cremating or burying the human remains;*

(d) *Viewing the human remains for identification purposes, for a period of time not to exceed 1 hour, by a person who is potentially capable of identifying the human remains;*

(e) *Washing, anointing, clothing, praying over, viewing or otherwise accompanying the human remains, for a period of time not to exceed 24 hours, by a person acting according to the directions of the decedent or a person having the right to control the disposition of the human remains of the deceased person; or*

(f) *Any other activity approved by the local health officer after evaluating the specific circumstances, the need to protect public health and the recognition of religious beliefs.*

3. *A funeral director, embalmer or another person assisting in the preparation of human remains for final disposition shall not delay the refrigeration of or remove the human remains from refrigeration for an activity set forth in paragraph (d) or (e) of subsection 2 if he or she is informed by a local health officer or medical examiner that doing so would pose a direct threat to human health.*

4. *Nothing in this section restricts the authority of a coroner or medical examiner concerning human remains that are under the jurisdiction of the coroner or medical examiner.*

Sec. 12. Chapter 642 of NAC is hereby amended by adding thereto the provisions set forth as sections 13 to 35, inclusive, of this regulation.

Sec. 13. *“Continuing education” means educational experiences in the form of a workshop, seminar, lecture, conference, class, meeting of the Board or other course of instruction related to the funeral industry.*

Sec. 14. *“Hour of continuing education” means 50 minutes of participation in continuing education.*

Sec. 15. *The Board interprets the term “good moral character” for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS to mean that the person:*

- 1. Has never been convicted in a court of competent jurisdiction of a category A or B felony;*
- 2. Has not, within the 5 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a category C, D or E felony;*
- 3. Has not, within the 5 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a misdemeanor that has a reasonable relationship to the person’s license, permit or certificate;*
- 4. Has not, within the 5 years immediately preceding the date of application for the issuance of the license, permit or certificate, committed any act involving dishonesty, fraud,*

misrepresentation, breach of fiduciary duty, gross negligence or incompetence if the act has a reasonable relationship to the person's license, permit or certificate;

5. Is not currently incarcerated or on parole or probation after a period of imprisonment in a local, state or federal penal institution;

6. Has not engaged in fraud or misrepresentation in connection with an application for issuance of a license, permit or certificate issued pursuant to chapter 451, 452 or 642 of NRS or an examination required for issuance of the license, permit or certificate;

7. Has not, within the 5 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate revoked or suspended by the Board or by the funeral services licensing authority of any other jurisdiction;

8. Has not surrendered a license, permit or certificate to the Board or the funeral licensing authority of any other jurisdiction in lieu of disciplinary action; and

9. Has not practiced funeral directing or embalming without a license in this State or any other jurisdiction that requires licensure to perform those activities.

Sec. 16. The Board interprets the term "manage" for the purpose of NRS 642.465, as amended by section 43 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961, as not including the management of administrative matters, including, without limitation, issues relating to budgeting, accounting, personnel matters, routine clerical matters and recordkeeping functions.

Sec. 17. 1. Except as otherwise provided in subsection 4, the Board will not grant the approval required by NRS 642.345, as amended by section 31 of Senate Bill No. 286, chapter

348, Statutes of Nevada 2015, at page 1958, for a funeral director to manage a funeral establishment or direct cremation facility unless the funeral director will be reasonably available at the funeral establishment or direct cremation facility during regular business hours. For the purposes of this subsection, a funeral director is presumed to be reasonably available at the funeral establishment or direct cremation facility if the funeral director resides not more than 120 miles from the premises of the funeral establishment or direct cremation facility.

2. Except as otherwise provided in subsection 4, the Board will not grant the approval required by NRS 642.345, as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958, for a funeral director to manage more than one funeral establishment or direct cremation facility unless the premises of each funeral establishment or direct cremation facility are located less than 120 miles apart.

3. The Board will not grant approval for a funeral director to manage more than a total of three funeral establishments or direct cremation facilities.

4. The Board may grant an exception to the provisions of subsection 1 or 2 if the Board determines that such an exception is in the best interests of the public.

Sec. 18. The Board will not accept an application for renewal of a permit to operate a funeral establishment or direct cremation facility submitted after March 1 of an even-numbered year.

Sec. 19. If a licensed funeral arranger, funeral director or embalmer has for any reason allowed his or her license to lapse:

1. For a period of not more than 3 years, the Board may reinstate the license:

(a) Of a funeral director as provided in NRS 642.440.

(b) Of a funeral arranger or embalmer in the same manner as provided for a funeral director in NRS 642.440.

2. For a period of more than 3 years, the licensed funeral arranger, funeral director or embalmer must reapply for a license as a new applicant unless the license of the funeral arranger, funeral director or embalmer has been placed on inactive status.

Sec. 20. 1. A person who holds a certificate of registration as a registered apprentice and does not successfully pass the examination for a license to practice the profession of embalming within a period of 2 consecutive years as required by NRS 642.300 must wait at least 1 year after the expiration of that period before reapplying for a new certificate of registration as a registered apprentice pursuant to NRS 642.190.

2. The Board will not give a person any credit toward the 1 year of apprenticeship required for a license to practice the profession of embalming for any time spent on the initial apprenticeship described in subsection 1.

Sec. 21. 1. In addition to any requirements for recusal set forth in chapter 281 of NRS, a member of the Board must recuse himself or herself from proceedings of the Board involving a matter in which the member of the Board:

(a) Has a conflict of interest;

(b) Is unable to participate in a fair and impartial manner; or

(c) Was active in any part of an investigation of the matter.

2. *A member of the Board must disclose the reason for the recusal before the Board's discussion of the matter. Upon recusal, the member of the Board may not participate in the Board's discussion of the matter or vote on the matter.*

Sec. 22. 1. *If an inspection of a funeral establishment, direct cremation facility, crematory or cemetery conducted pursuant to NRS 642.067, as amended by section 19 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1954, or NRS 642.435, as amended by section 39 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960, or section 5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950, reveals that the funeral establishment, direct cremation facility, crematory or cemetery is in violation of any provision of this chapter or chapter 451, 452 or 642 of NRS, the Board will issue a notice of violation to the licensee, permittee or holder of the certificate, as applicable. The notice of violation must:*

(a) *Be in writing and describe with particularity the nature of the violation; and*

(b) *Indicate that the licensee, permittee or holder of the certificate is given a 30-day period after receipt of the notice to correct the violation.*

2. *An inspector of the Board will verify compliance by the licensee, permittee or holder of the certificate, as applicable, with the applicable provisions of this chapter or chapter 451, 452 or 642 of NRS in a subsequent inspection.*

3. *The Board may initiate disciplinary proceedings against the licensee, permittee or holder of the certificate, as applicable, pursuant to NRS 642.130, as amended by section 24 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956, NRS 642.470, as amended by section 44 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page*

1962 or NAC 642.170 based on any acts or violations found during such an inspection or any violations that the licensee, permittee or holder of the certificate failed to correct within the period set forth in the notice of violation.

Sec. 23. The statement of funeral goods and services selected that is required to be provided by a funeral provider pursuant to 16 C.F.R. § 453.2(b)(5) must:

1. Be signed by the licensed funeral arranger, funeral director or embalmer who made the arrangements for a funeral or other disposition of human remains of a deceased person; and

2. Include the license number of the funeral arranger, funeral director or embalmer who made the arrangements.

Sec. 24. A funeral establishment or direct cremation facility must disclose, in writing, to a person who purchases goods or services from the funeral establishment or direct cremation facility, the location at which the human remains of the deceased person will be stored, embalmed or cremated if the location is different from the premises of the funeral establishment or direct cremation facility where the goods or services were purchased.

Sec. 25. If the name of a holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS is changed, the licensee, permittee or holder of the certificate must:

1. Apply to the Board for a ^{revised} new license, permit or certificate on a form prescribed by the Board; and

2. Pay the applicable fee prescribed in NRS 642.0696.

Sec. 26. 1. *If the holder of a permit or license, as applicable, to operate a funeral establishment, direct cremation facility or crematory wishes to transfer its established place of business to another location, the funeral establishment, direct cremation facility or crematory must:*

- (a) Notify the Board at least 30 days before changing the location of the business;*
- (b) Apply to the Board on a form prescribed by the Board for a transfer of the permit or license to the new location; and*
- (c) Pay the applicable fee prescribed in NRS 642.0696.*

2. *The Board will cause the premises of the new location to be inspected before approving the transfer of the permit or license to the new location and issuing a ^{revised} new permit or license indicating that the funeral establishment, direct cremation facility or crematory is conducting business at the new location.*

3. *The holder of the permit or license must not conduct business at the new location until he or she has been issued a new permit or license by the Board indicating that business is being conducted at the new location.*

Sec. 27. 1. *The Board will approve a crematory certification program as required pursuant to NRS 451.635, as amended by section 55 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1968, if the program:*

- (a) Is at least 6 hours in length;*
- (b) Is offered on a national level by persons who are generally recognized as having expertise in the field of crematory services; and*
- (c) Includes, at a minimum, instruction in:*

(1) *Best practices relating to crematory services;*
(2) *Terminology relevant to crematory services;*
(3) *The principles of combustion;*
(4) *The operation of crematory equipment; and*
(5) *The filing of forms and other duties concerning keeping a record related to crematory services.*

2. *If the Board approves a crematory certification program pursuant to this section, the approval is valid for 5 years.*

Sec. 28. 1. *The hours of continuing education completed to fulfill the requirement set forth in section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951, do not need to be submitted to the Board for approval and are automatically approved if the continuing education is:*

(a) *Approved by the Academy of Professional Funeral Service Practice;*
(b) *Sponsored by a national or state organization or association that administers training relating to the funeral industry; or*
(c) *Offered by a provider of continuing education who is approved by the Board.*

2. *Any continuing education that does not satisfy the requirements set forth in subsection 1 must be approved by the Board. Such approval may be obtained by applying to the Board on a form prescribed by the Board which includes, without limitation, the following information:*

(a) *An outline of the course;*
(b) *The qualifications of each presenter; and*
(c) *An agenda detailing the dates and times of each segment of the continuing education.*

3. *A licensee may obtain credit toward the required hours of continuing education by completing a crematory certification program approved by the Board pursuant to section 27 of this regulation.*

4. *A licensee may complete not more than 4 hours of continuing education per each period of renewal by attending, in person, a meeting of the Board if the Executive Director or a member of the Board provides the licensee at the conclusion of the meeting signed documentation of the licensee's attendance at that meeting.*

5. *Pursuant to section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951, proof of completion of continuing education must be maintained by the person licensed as a funeral director or embalmer for 5 years.*

6. *The Board will audit a percentage of licensees during each period of renewal by requiring those licensees to submit proof of completion of the required hours of continuing education before the Board issues a renewal of the licenses of those licensees.*

7. *Any licensee whose license is placed on inactive status is exempt from the requirements of continuing education while the license is placed on inactive status. If such a licensee subsequently wishes to reactivate his or her license pursuant to NRS 642.115 or 642.455, the licensee must provide proof to the Board of completion of 12 hours of continuing education within the 2 years immediately preceding the date of application for reactivation of the license.*

8. *The Board may initiate disciplinary proceedings against a licensee pursuant to NRS 642.130, as amended by section 24 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956, or NRS 642.470, as amended by section 44 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1962, based on the failure of the licensee to provide,*

upon request, proof of completion of continuing education as required by section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951.

Sec. 29. 1. A licensed embalmer or his or her registered apprentice shall prepare a report within 24 hours after embalming a deceased person's remains. The report must include, without limitation, the period elapsed between the death of the person and the embalming of the deceased person's remains, a description of the condition of the remains before and after embalming and the procedures used in embalming the remains.

2. The report must be signed by the licensed embalmer who embalmed the deceased person's remains or the registered apprentice who assisted in embalming the remains.

Sec. 30. 1. Each holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS shall ensure that human remains are treated with dignity and respect at all times.

2. A diligent effort must be made to maintain the privacy of the human remains.

3. Human remains must be clothed or completely covered while the human remains are being refrigerated and after the human remains have been embalmed.

4. Human remains must not be stored directly on the floor of any room used to store human remains. For the purposes of this subsection, the term the "floor of any room" includes the floor of a room which is part of a refrigeration unit.

5. Human remains must be stored and transported face up at all times.

6. Human remains must not be placed on other human remains for the purpose of storage or transportation.

7. *The premises of any location where human remains are stored must be maintained in a sanitary and professional manner.*

Sec. 31. The following functions may be performed only by a licensed funeral arranger, funeral director or embalmer:

1. *Selling or offering to sell funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person on an at-need basis.*

2. *Planning or arranging the details of funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person with families or other persons authorized pursuant to NRS 451.024, as amended by section 54 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1966, to order the disposition of the decedent's remains.*

3. ~~*Making, negotiating or completing*~~ *the financial arrangements for funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person on an at-need basis.*

Sec. 32. 1. The following functions may be performed only by a licensed funeral director:

(a) *Except as otherwise provided in subsection 3, the managing of a funeral establishment or direct cremation facility as required pursuant to NRS 642.465, as amended by section 43 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961.*

(b) *The preparation, signing and filing, as applicable, of death certificates, burial permits and other documents required pursuant to chapter 440 of NRS.*

2. A licensed funeral director shall ensure that the funeral establishment or direct cremation facility he or she manages complies with applicable state and federal law concerning the transportation of human remains of a deceased person into or out of this State.

~~3. Except as otherwise provided in NAC 642.160, a license as a funeral director issued by the Board pursuant to NRS 642.360 does not authorize the licensee to:~~

~~(a) Remove or transport human remains of a deceased person from the place of death of the deceased person; or~~

~~(b) Remove or transport human remains of a deceased person from or to a funeral establishment, direct cremation facility, cemetery, crematory, medical examiner's office or any other location.~~

Sec. 33. 1. The following functions may be performed only by a licensed embalmer or an apprentice embalmer under the direct supervision of a licensed embalmer:

(a) The application or injection of any disinfecting or preservation solutions upon or into human remains of a deceased person;

(b) The aspiration of any fluids from human remains of a deceased person;

(c) The setting of the features of human remains of a deceased person;

Revise to state "the mechanical setting of features which would require suturing or instruments"

(d) The suturing of human remains of a deceased person;

(e) Completing any post-autopsy or post-accident restoration of human remains of a deceased person;

(f) The removal of a device or prosthetic that is implanted in human remains of a deceased person; and

(g) The preparation of human remains of a deceased person for transportation out of this State.

2. Nothing in this section restricts the authority of a coroner or medical examiner concerning human remains of a deceased person that are under the jurisdiction of the coroner or medical examiner.

Sec. 34. 1. Before providing direct cremation services, a direct cremation facility must provide a disclosure to the person who is arranging for the direct cremation of human remains of a deceased person. The disclosure must be signed by the person who is arranging for the direct cremation and must state, without limitation, that the direct cremation facility is unable to:

(a) Provide any rites or ceremonies in connection with the final disposition of the human remains of the deceased person;

(b) Provide facilities to conduct rites or ceremonies in connection with the final disposition of the human remains of the deceased person;

(c) Embalm the human remains of the deceased person;

(d) Provide a burial service for the human remains of the deceased person; or

(e) Provide for a viewing of the human remains of the deceased person;

2. In accordance with NRS 642.490, as amended by section 47 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1963, a direct cremation facility must not be listed in any advertisement or notice published in a newspaper which indicates or implies that the direct cremation facility is providing any services outside the scope of its permit.

3. *A direct cremation facility shall not allow or cause the name of the direct cremation facility to be used in any obituary or notice of death in which a ceremony or rite for the deceased person is announced, unless the obituary or notice of death expressly provides that the direct cremation facility is not connected in any way to the ceremony or rite.*

Sec. 35. 1. *Every funeral establishment must employ, or retain on a contract basis, a licensed embalmer.*

2. *The holder of a permit to operate a funeral establishment shall, upon request, furnish proof to the Board that the funeral establishment is in compliance with the provisions of subsection 1.*

Sec. 36. NAC 642.080 is hereby amended to read as follows:

642.080 1. The Chair of the Board will issue a temporary authorization pursuant to NRS 642.515, on behalf of the Board, if the applicant meets the requirements of that section and is applying for:

(a) A license as a funeral director pursuant to NRS 642.340;

(b) Approval to manage a funeral establishment *or cremation facility* pursuant to NRS 642.345 ~~[;]~~, *as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958;*

(c) A ~~[license to direct cremations or immediate burials]~~ *permit to operate a direct cremation facility* pursuant to ~~[NRS 642.355; or]~~ *section 5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950;*

(d) A permit to operate a funeral establishment pursuant to NRS 642.365 ~~[;]~~; *or*

(e) A license as a funeral arranger pursuant to section 7 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950. Remove funeral arranger section if done by staff

2. The application of an applicant who is issued a temporary authorization pursuant to this section must be placed on the agenda of the meeting of the Board next following the approval of the temporary authorization for action by the Board.

Sec. 37. NAC 642.090 is hereby amended to read as follows:

642.090 1. A person who is licensed as a funeral director may apply to the Board for approval to transfer the person's license from the funeral establishment *or direct cremation facility* which he or she has been approved to manage to a different funeral establishment ~~{ }~~ *or direct cremation facility*.

2. An application submitted pursuant to this section must be on a form provided by the Board and must be accompanied by:

(a) Payment or proof of payment of the renewal fee or the transfer fee set forth in ~~{ subsection 3 of NAC 642.120; }~~ *NRS 642.0696*; and

(b) Proof satisfactory to the Board that the funeral establishment *or direct cremation facility* to which the applicant wishes to transfer has a valid permit to operate a funeral establishment ~~{ }~~ *or direct cremation facility*.

3. Upon receipt and approval of the items described in subsection 2, the Board will approve a transfer pursuant to this section.

4. Upon approval by the Board of a transfer pursuant to this section, the applicant may not manage the funeral establishment *or direct cremation facility* from which the applicant's license was transferred unless he or she has otherwise been approved by the Board to manage more than

one funeral establishment *or direct cremation facility* pursuant to subsection 2 of NRS 642.345 ~~[]~~, as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958.

Sec. 38. NAC 642.100 is hereby amended to read as follows:

642.100 1. Before February 1 of each *even-numbered* year, a person who is licensed to operate a crematory pursuant to chapter 451 of NRS shall pay the fee set forth in ~~[subsection 7 of NAC 642.120]~~ *NRS 642.0696* to renew his or her license. If the person does not pay the required fee before February 1 ~~[]~~ *of each even-numbered year*, the licensee shall pay the late fee set forth in ~~[subsection 7 of NAC 642.120]~~ *NRS 642.0696* in addition to the renewal fee.

2. *The Board will not accept an application for renewal of a license to operate a crematory submitted after March 1 of an even-numbered year.*

Sec. 39. NAC 642.110 is hereby amended to read as follows:

642.110 1. Before February 1 of each *even-numbered* year, a person who holds a certificate of authority to operate a cemetery issued pursuant to chapter 452 of NRS shall pay the fee set forth in ~~[subsection 6 of NAC 642.120]~~ *NRS 642.0696* to renew the certificate. If he or she does not pay the required fee before February 1 ~~[]~~ *of each even-numbered year*, the holder of the certificate shall pay the late fee set forth in ~~[subsection 6 of NAC 642.120]~~ *NRS 642.0696* in addition to the renewal fee.

2. *The Board will not accept an application for renewal of a certificate of authority to operate a cemetery submitted after March 1 of an even-numbered year.*

Sec. 40. NAC 642.160 is hereby amended to read as follows:

Below section to be amended to differentiate between in-state and out of state transport.

642.160 1. A licensed funeral director ~~[, or a person who holds a license to conduct direct cremations or immediate burials,]~~ may transport a dead human body if it is embalmed and prepared by a licensed embalmer.

2. A licensed funeral director may transport a dead human body that is not embalmed if the body is:

(a) Sealed in a container that is approved by the Board; and

(b) Transported in a properly licensed motor vehicle or aircraft owned, operated, chartered or leased by a licensed funeral director or mortuary.

3. This section does not apply to the immediate transportation of a dead human body to the care of a funeral establishment ~~[,] or direct cremation facility.~~

Sec. 41. NAC 642.170 is hereby amended to read as follows:

642.170 1. For the purpose of taking disciplinary action, pursuant to NRS 642.470, ~~[against a person who holds a funeral director's license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials,]~~ *as amended by section 44 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1962*, the term:

(a) "Unprofessional conduct" includes, in addition to the conduct set forth in NRS 642.480, *as amended by section 46 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1962*, stating or implying that the holder of the license, *certificate* or permit is willing to carry out a duty for which a license, *certificate* or permit is required pursuant to chapter *451, 452 or 642* of NRS if that duty is not authorized by the holder's license, *certificate* or permit. For example, advertising in any form, including, without limitation, signs, telephone books,

newspapers, messages conveyed by telephone, television, electronic mail and other electronic or photographic means, that states or implies that a proposed funeral establishment , *direct cremation facility, crematory or cemetery* is an operating funeral establishment , *direct cremation facility, crematory or cemetery* before the Board has issued all licenses , *certificates* and permits necessary for the operation of the *funeral* establishment [-], *direct cremation facility, crematory or cemetery*.

(b) “False or misleading advertising” includes, in addition to the conduct set forth in NRS 642.490, *as amended by section 47 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1963*, advertising that states or implies that the holder of the license , *certificate* or permit is willing to carry out a duty for which a license , *certificate* or permit is required pursuant to chapter *451, 452 or 642* of NRS if that duty is not authorized by the holder’s license , *certificate* or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, electronic mail and other electronic or photographic means, that states or implies that a proposed funeral establishment , *direct cremation facility, crematory or cemetery* is an operating funeral establishment , *direct cremation facility, crematory or cemetery* before the Board has issued all licenses , *certificates* and permits necessary for the operation of the *funeral* establishment [-], *direct cremation facility, crematory or cemetery*.

2. For the purposes of this section, an applicant for a license , *certificate* or permit who obtains, pursuant to NRS 642.515, a temporary authorization to carry out the duties authorized by the license , *certificate* or permit for which he or she has applied shall be deemed a holder of that license , *certificate* or permit.

Sec. 42. NAC 642.180 is hereby amended to read as follows:

642.180 1. Any person may file an informal complaint with the Board concerning the acts of a licensee or services provided by a licensee. Such an informal complaint filed with the Board must be on a form provided by the Board and include information that is sufficiently detailed to enable the respondent to prepare a response.

2. Upon receipt of an informal complaint, the staff shall examine the complaint to determine whether it:

- (a) Has been properly verified; and
- (b) Alleges sufficient facts to warrant further proceedings.

3. If the staff determines that the informal complaint against a licensee has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a ~~copy of~~ summary of the informal complaint to the licensee by certified mail. The notification must set forth the potential violations of a provision of this chapter or chapter 451 or 452 of NAC or chapter 451, 452 or 642 of NRS arising in the informal complaint and request a response for the review by the Board before a hearing is set. The transmission of the ~~copy of~~ summary of the informal complaint will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.

4. Upon the receipt of a ~~copy of~~ summary of an informal complaint that has been filed against him or her, a licensee shall submit to the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served. A response to an informal complaint must respond to the allegations made in the informal complaint and be accompanied by all documentation that would be useful to the staff and legal counsel in their

review of the allegations made in the informal complaint and the responses made by the licensee to those allegations. Failure by a licensee to cooperate with the Board during an investigation of an informal complaint, including, without limitation, failing to respond timely to the Board regarding a ~~copy of~~ summary of the informal complaint sent to the licensee by the staff pursuant to this subsection, is a ground for disciplinary action by the Board against the licensee.

5. If a licensee fails to respond as required pursuant to subsection 4, he or she shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the Board may impose appropriate discipline on the licensee at the hearing on the informal complaint.

6. In cases where a response is filed as required pursuant to subsection 4, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or other qualified persons in the review and may take any other reasonable action necessary to further the review. After their review of the informal complaint and the responses made thereto, the staff may:

(a) Investigate the allegations and employ such persons as they deem necessary to further the investigations;

(b) Consult with experts in the appropriate field, including, without limitation, employing such persons for the purposes of an investigation or a hearing;

(c) Investigate new leads and allegations that may come to their knowledge in the course of the investigation;

(d) Enlist the aid of a member of the Board or other qualified person in the conduct of the investigation; and

(e) Take any other reasonable action necessary to further the investigation.

7. During an investigation of an informal complaint, the staff, or investigator, if any, may demand that a licensee produce his or her records or other evidence for inspection or copying, with or without prior notice to the licensee, and with or without a subpoena. A licensee shall not deny any such request for records or other evidence if such records or other evidence is not protected by a claim of confidentiality authorized by law. If a licensee refuses or fails to cooperate with a request for records in violation of this subsection, the Board may immediately suspend his or her license or certificate until the licensee complies with the request for records or other evidence. If the licensee continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the licensee as the Board determines necessary.

8. If the staff, or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation, the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the respondent. If a record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record and evidence at that location. If a record or other evidence cannot be readily copied at the location where the record or evidence is located, the staff or investigator may remove the record or evidence from that location to copy the record or evidence. If the staff or investigator removes a record or other evidence to be copied, the staff or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.

9. When an investigation of an informal complaint is complete, the staff, and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination. If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the staff and investigator shall inform the legal counsel of such a determination. The legal counsel shall:

(a) Offer mediation to the respondent, a settlement agreement, stipulation of facts and liability or an informal hearing; or

(b) Prepare a notice of hearing and a formal complaint.

10. A notice of hearing and a formal complaint must:

(a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the alleged acts of the respondent alleged to be in violation of the statutes and regulations governing the profession of the licensee;

(b) Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and a formal complaint is sent to the respondent; and

(c) Be signed by the legal counsel and, if a member of the Board was active in the investigation, by that member of the Board.

11. The staff shall send, by certified mail, a notice of hearing and a formal complaint prepared pursuant to subsection 10 to the respondent named in the notice of hearing and the formal complaint.

12. A respondent who receives a notice of hearing and a formal complaint shall file his or her answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the respondent received the notice of hearing and the formal complaint. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement. If the licensee fails to file an answer as required pursuant to this subsection, the licensee shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the licensee in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the formal complaint.

13. Not later than 10 days after the filing of the response by the respondent, the legal counsel and the respondent shall exchange a list of the evidence and witnesses that will be used at the hearing. A party may not present evidence it obtains after the date the exchange was required pursuant to this subsection unless it demonstrates to the Board that the evidence or witness was not available upon diligent investigation before the date the exchange was required and that the evidence or witness was given or communicated to the other party immediately after it was obtained.

14. The Board may join two or more formal complaints into one formal complaint if:

(a) The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and

(b) The joining of the formal complaints will serve the best interest of the Board, complainant and respondent.

15. A petition filed pursuant to NRS 642.500 will be processed pursuant to the provisions of this section.

16. As used in this section:

(a) "Legal counsel" means the legal counsel of the Board.

(b) "Licensee" means a person licensed by the Board or holding a *certificate or* permit issued pursuant to the provisions of chapter 451, 452 or 642 of NRS.

(c) "Staff" means the staff of the Board.

Sec. 43. NAC 642.120 is hereby repealed.

Sec. 44. This regulation becomes effective on January 1, 2016.

TEXT OF REPEALED SECTION

~~642.120 Fees: Imposition and amount. (NRS 451.640, 452.026, 452.310, 642.063, 642.069, 642.0696) The Board will charge and collect the following fees:~~

| | |
|--|------------------|
| 1. For a permit to operate a funeral establishment: | |
| (a) Initial application..... | \$375 |
| (b) Annual renewal..... | 200 |
| (c) Late renewal..... | 275 |
| 2. For a license to conduct direct cremations or immediate burials: | |
| (a) Initial application..... | \$375 |
| (b) Annual renewal..... | 200 |
| (c) Late renewal..... | 275 |
| (d) Placement of license in inactive status..... | 175 |
| (e) Reactivation of license in inactive status..... | 175 |
| 3. For a funeral director's license: | |
| (a) Initial application..... | \$375 |
| (b) Annual renewal..... | 200 |
| (c) Late renewal..... | 275 |
| (d) Examination fee..... | 375 |
| (e) Application to modify a license pursuant to subsection 2 of NRS 642.345..... | 100 |
| (f) Placement of license in inactive status..... | 175 |
| (g) Reactivation of license in inactive status..... | 175 |
| (h) Transfer of license to another funeral establishment..... | 225 |
| 4. For a certificate of registration as a registered apprentice in the profession of embalming: | |
| (a) Annual fee..... | \$75 |

| | |
|--|--------------------|
| (b) Late renewal | 275 |
| 5. For a license to practice the profession of embalming: | |
| (a) Initial application | \$375 |
| (b) Examination fee | 375 |
| (c) Issuance of a license to a practitioner who is licensed in another state..... | 200 |
| (d) Annual renewal..... | 200 |
| (e) Late renewal..... | 275 |
| (f) Placement of license in inactive status..... | 175 |
| (g) Reactivation of license in inactive status..... | 175 |
| 6. For a certificate of authority to operate a cemetery: | |
| (a) Initial application | \$1,000 |
| (b) Annual renewal..... | 250 |
| (c) Late renewal..... | 275 |
| (d) Application to change control of existing cemetery..... | 375 |
| (e) Investigation fee for application to change control of existing cemetery..... | 250 |
| 7. For a license to operate a crematory: | |
| (a) Initial application | \$375 |
| (b) Annual renewal..... | 250 |
| (c) Late renewal..... | 275 |
| (d) Application to change ownership of existing crematory..... | 375 |
| 8. Deactivation and reactivation of a license, certificate or permit, other than | |

| | |
|--|------------------|
| a license to practice the profession of embalming, a funeral director's license | |
| or a license to conduct direct cremations or immediate burials | \$175 |
| 9. Duplicate license, certificate or permit | \$75 |



State of Nevada
FUNERAL AND CEMETERY SERVICES BOARD

Phone (775) 825-5535 * Email nvfuneralboard@fb.nv.gov

Additional Request for Changes as Follows:

- 1) Pursuant to NRS 451.680, the operator of a crematory shall knowingly cremate only human remains in cremation chambers, along with the cremation container or cremation casket, personal effects of the deceased, and no more than a negligible amount of chlorinated plastic which may be attached to or accompanying the body.
- 2) Any application submitted to the Board which is not complete within two years from the date of initial submission, shall be deemed expired and is automatically withdrawn.
- 3) "Identification Viewing" shall be defined as a brief viewing of the body by a person who is potentially capable of identifying the deceased.
- 4) Physically operating the crematory equipment shall be interpreted as including the following:
 - a) Starting the equipment
 - b) Loading the chamber
 - c) Sweeping the chamber
 - d) Processing the remains, including the initial placement into temporary urns
- 5) If a funeral establishment or direct cremation facility hires a new funeral arranger, the establishment or direct cremation facility shall have 90 days from the initial date of hire to ensure that testing is completed and licensure is sought with the Board.
- 6) Upon hiring new crematory staff who will be physically operating the equipment, the crematory shall ensure that the person physically operating the equipment attends a crematory operator certification course approved by the Board within 6 months from the initial date of hire. – Does Board want the course to be completed only once, or every five years?