

# NEVADA FUNERAL AND CEMETERY SERVICES BOARD

## AGENDA AND NOTICE OF PUBLIC MEETING

**Tuesday, June 14, 2016, at 9:00a.m.**  
Legislative Building  
401 South Carson Street, Room 3138  
Carson City, Nevada

**Please Note:** The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to three minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment.

***Action by the Board on an item may be to approve, deny, amend, or table.***

1. Call to order, roll call, introduce new member, establish quorum

2. Public comment

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

3. Discussion, recommendation, and possible action regarding proposed changes to Chapters 451 and 642 of Nevada Administrative Code (For possible action)

4. Discussion, recommendation, and possible action regarding possible legislative changes to NRS 642 and NRS 451 to allow time period for crematory certification training and arranger testing (For possible action)

5. Discussion, recommendation, and possible action regarding Board position on changes to NAC 440, file number R066-16 (For possible action)

6. Introduction of new Board Inspector/Investigator

7. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)

a. March 15, 2016

8. **Discussion, recommendation, and possible action regarding Consent Decree for case number FB16-03 (For possible action)**
  - a. Bunkers Memory Gardens Cemetery – CEM30
9. **Discussion, recommendation, and possible action regarding granting the following Funeral Arranger Licenses (For possible action)**
  - a. Natisha Nicole DeGourville
  - b. Harrison Cody Billian
10. **Discussion, recommendation, and possible action regarding granting the following Embalmer Licenses (For possible action)**
  - a. Darren Kent Hill
11. **Discussion, recommendation, and possible action regarding granting the following Apprentice Embalmer Certificate of Registration (For possible action)**
  - a. David Alan Penkala
12. **Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following (For possible action)**
  - a. Walter W. Hartley FD626 – Pahump Family Mortuary EST56
  - b. Allen James Kopp FD772 – Davis Funeral Home-S. Eastern EST26
  - c. Timothy Lawson FD909 – Las Vegas Cremations EST103
  - d. Douglas Lee Ray FD910 – Davis Funeral Home-S. Rainbow EST28
13. **Discussion, recommendation, and possible action regarding granting a Direct Cremation Facility Permit to Simple Cremation, Inc., 1016 N. Rock Blvd., Unit 104, Sparks, Nevada (For possible action)**
14. **Discussion, recommendation, and possible action regarding granting a Crematory License to Autumn Cremation Services, 5660 Morgan Mill Road, Carson City, Nevada (For possible action)**
15. **Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to Clark County Funeral Services, 2041 W. Bonanza Road, Las Vegas, Nevada (For possible action)**
16. **Discussion, recommendation, and possible action regarding request from Gerald Hitchcock to approve containers for “green” burials and cremations (For possible action)**
17. **Discussion, recommendation, and possible action regarding request for approval of audit services contract with Kohn and Company (For possible action)**
18. **Discussion, recommendation, and possible action regarding revisions to Employment Policies and Procedures including changes to employee benefit programs (For possible action)**
19. **Discussion, recommendation and possible action regarding annual review of Executive Director performance and salary (For possible action)**
20. **Discussion, recommendation, and possible action regarding approval of FY2017 Budget (For possible action)**
21. **Financial Reports**
  - a. Regulatory Fee Collection
  - b. FY2016 Budget vs. Actuals

22. **Overview of current complaint status**
23. **Report from Executive Director, Jennifer Kandt**
24. **Report from Senior Deputy Attorney General**
25. **Board member comments**
26. **Discussion regarding future agenda items and future meeting dates**  
 Tuesday, September 20, 2016  
 Tuesday, December 13, 2016
27. **Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**28. Adjournment (For possible action)**

Anyone desiring additional information including meeting materials may contact Jennifer Kandt at 775-825-5535. Meeting materials are also available for download from the Board website at <http://funeral.nv.gov> or can be picked up at the following location: 3740 Lakeside Drive, Suite 201, Reno, NV 89509.

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 agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice of meetings must request so in writing every six months.

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**THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED  
IN THE FOLLOWING LOCATIONS:**

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<b>Reno City Hall</b> One E. First Street Reno, NV 89501	<b>Office of the Attorney General</b> 100 N Carson Street Carson City, NV 89701	<b>Grant Sawyer State Office Building</b> 555 E. Washington Ave. Las Vegas, NV 89101
<b>Legislative Building</b> 401 South Carson Street Carson City, Nevada	<b>Funeral Board Office</b> 3740 Lakeside Drive, Suite 201 Reno, NV 89509	



STATE OF NEVADA

## FUNERAL AND CEMETERY SERVICES BOARD

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### AGENDA ITEM 3: Regulation Changes

See attached copy of regulation changes as sent to LCB. Revised copy from LCB not yet received.

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

**LCB File No. R067-15**

June 9, 2016

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

AUTHORITY: §§1-13, NRS 451.640, 452.026 and 642.063; §§14-30 and 32-46, NRS 642.063; §31, NRS 642.063, 642.115 and 642.455, as amended by section 41 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961.

A REGULATION relating to decedents; setting forth certain duties and procedures concerning cremation services; establishing the procedure for the Nevada Funeral and Cemetery Services Board to issue 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, at page 1948) 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, 642.063)

**Section 9** of this regulation provides that the Board will interpret the phrase “cremation of human remains” to include, with certain exceptions, the container in which the human remains are placed for cremation, the personal effects of the deceased person and a negligible amount of chlorinated plastic.

**Section 10** of this regulation sets forth the actions that the Board will interpret as falling within the phrase “physically operating the crematory equipment” for the purpose of requiring a person to complete a crematory certification program.

**Section 11** 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 12, 13, 19, 21, 25, 27, 29, 35, 37, 39, 40, 43 and 44** 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.

**Sections 15, 16 and 31** of this regulation set forth the procedures for obtaining approval of the continuing education required for funeral directors and embalmers. **Section 17** of this regulation sets forth the criteria the Board will use in determining whether an applicant is of good moral character for the purpose of the issuance by the Board of a license, permit or certificate to a cemetery, crematory, funeral establishment, direct cremation facility, funeral director, funeral arranger or embalmer.

**Section 19** of this regulation sets forth the requirements for a funeral director to obtain approval by the Board to manage a funeral establishment or direct cremation facility.

**Section 20** of this regulation provides that, after 2 years, the Board will consider an application for the issuance by the Board of a license, permit or certificate to a cemetery, crematory, funeral establishment, direct cremation facility, funeral director, funeral arranger or embalmer to be withdrawn if the Board has not received the information and fees required to complete the application.

**Section 24** 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 25** of this regulation establishes the procedure that the Board will follow regarding the issuance of a notice of violation to the operator of a funeral establishment, direct cremation facility, crematory or cemetery.

**Section 26** of this regulation sets forth additional requirements concerning a statement of funeral goods and services selected that is required to be provided by a funeral provider pursuant to federal law.

**Sections 28 and 29** of this regulation set forth procedures relating to changing 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 30** 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 30** also provides that such persons are not required to complete a crematory certification program more than once.

**Section 38** of this regulation requires every funeral establishment to employ, or retain on a contract basis, a licensed embalmer.

Existing law requires a license, permit or certificate renewed by the Board pursuant to chapter 451, 452 or 642 of NRS to be renewed on a biennial basis on January 1 of each even-numbered year. (NRS 642.069, as amended by section 20.5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1954) Existing law also provides that the renewal fee for a: (1) license to practice the profession of embalming; (2) license as a funeral director; (3) license as a funeral arranger; (4) permit to operate a funeral establishment; and (5) a permit to operate a direct cremation facility is due on January 1 of each even-numbered year. Existing law further provides that if the renewal fee for such a license or permit is not paid by February 1 of that even-numbered year, a fee for the late renewal will be added to the renewal fee of the license or permit. (NRS 642.120, as amended by section 23.5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956; NRS 642.430, as amended by section 38 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960; NRS 642.435, as amended by section 39 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960) **Sections 41 and 42** of this regulation similarly require a holder of a license to operate a crematory and a holder of a certificate of authority to operate a cemetery to pay a late fee in addition to the renewal fee if he or she does not pay the renewal fee for the license or certificate of authority, as applicable, before February 1 of an even-numbered year.

**Section 43** of this regulation revises the restrictions on the transportation of dead human bodies.

**Section 1.** Chapter 451 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, 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 642.011.*

**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 (NRS 642.0135).*

**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, as amended by section 12 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951.*

**Sec. 8.** *“Funeral establishment” has the meaning ascribed to it in NRS 642.016, as amended by section 13 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951.*

**Sec. 9.** *1. For the purposes of NRS 451.680, the Nevada Funeral and Cemetery Services Board interprets the phrase “cremation of human remains” to include:*

*(a) The container, unless incinerating the container is prohibited pursuant to subsection 3 of NRS 451.670;*

*(b) The personal effects of the deceased person; and*

*(c) A negligible amount of chlorinated plastic which may be attached to or accompanying the human remains.*

*2. As used in this section:*

*(a) “Container” has the meaning ascribed to it in NRS 451.615; and*

*(b) “Human remains” has the meaning ascribed it in NRS 451.620.*

**Sec. 10.** *For the purposes of NRS 451.635, as amended by section 55 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1968, the Nevada Funeral and Cemetery Services Board interprets the phrase “physically operating the crematory equipment” to mean:*

*1. Starting the crematory equipment;*

*2. Loading the chamber;*



3. *Sweeping the chamber; and*
4. *Processing human remains, including the initial placement of the human remains into temporary urns.*

**Sec. 11.** *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. 12.** 1. *The records required to be kept pursuant to NRS 451.665, as amended by section 58 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1970, by the operator of a crematory, funeral establishment or direct cremation facility must be maintained for at least 7 years.*

2. *The maintenance of such records in a digital format satisfies the requirements of subsection 1.*

**Sec. 13.** 1. *Except as otherwise provided in this section and 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 48 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 identification viewing and for the following activities:*

- (a) Embalming the human remains;*
- (b) Transporting the human remains;*
- (c) Cremating or burying the human remains;*
- (d) Washing, anointing, clothing, praying over, viewing or otherwise accompanying the unembalmed human remains, for a period of time not to exceed 8 consecutive 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*
- (e) Any other activity approved by the local health officer after evaluating the specific circumstances, the need to protect the 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 identification viewing or an activity set forth in paragraph (d) 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.*

*5. As used in this section, “identification viewing” means the viewing of 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.*

**Sec. 14.** Chapter 642 of NAC is hereby amended by adding thereto the provisions set forth as sections 15 to 38, inclusive, of this regulation.

**Sec. 15.** *“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. 16.** *“Hour of continuing education” means 50 minutes of participation in continuing education.*

**Sec. 17. 1.** *In determining whether an applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS, the Board will establish an initial assessment that the person is of good moral character if the person:*

*(a) Has never been convicted in a court of competent jurisdiction of a category A or B felony;*

*(b) Has not, within the 7 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 gross misdemeanor or category C, D or E felony;*

*(c) Has not, within the 7 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;*

*(d) Is not currently incarcerated or on parole or probation after a period of imprisonment in a local, state or federal penal institution;*

*(e) 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;*

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

*(g) Does not currently hold a suspended license, permit or certificate or has not, within the 2 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate suspended by the Board or by the funeral services licensing authority of any other jurisdiction, unless the suspension is pending final adjudication;*

*(h) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, surrendered a license, permit or certificate to the Board or the funeral licensing authority of any other jurisdiction in lieu of disciplinary action; and*

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

*2. After establishing an initial assessment regarding whether an applicant is of good moral character, the Board will consider any aggravating or mitigating factors to determine whether the applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS.*

*Sec. 18. For the purposes of NRS 642.465, as amended by section 43 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961, the Board interprets the term “manage” to not include the management of administrative matters, including, without limitation, issues relating to budgeting, accounting, personnel matters and routine clerical matters.*

*Sec. 19. 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 places of business, including each funeral establishment and direct cremation facility managed by the funeral director.*

*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. 20. The Board will consider an application for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS to be withdrawn if the Board has not received the information and fees required to complete the application within 2 years after the date on which the application is first submitted to the Board.*

*Sec. 21. 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. 22. If a funeral arranger, funeral director or embalmer has for any reason allowed his or her license as a funeral arranger, funeral director or embalmer, respectively, 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 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. 23. 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. 24.** *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. 25.** *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, 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 (NRS 642.368), 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 642.5175 or NAC 642.180 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. 26.** *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 the funeral or other disposition of the human remains of the deceased person; and*

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



*Sec. 27. 1. A funeral establishment or direct cremation facility must make a reasonable effort to disclose, in writing, to a person who purchases at-need 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.*

*2. As used in this section, “at-need” means at the time the goods or services are needed.*

*Sec. 28. 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 license, permit or certificate on a form prescribed by the Board; and*

*2. Pay the applicable fee prescribed in NRS 642.0696.*

*Sec. 29. 1. If the holder of a permit or license, as applicable, to operate a funeral establishment, direct cremation facility or crematory wishes to transfer his or her established place of business to another location, the holder of the permit or license must:*

*(a) Notify the Board at least 30 days before changing the location of the funeral establishment, direct cremation facility or crematory;*

*(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 within 30 days after the receipt of notification pursuant to subsection 1 and before approving the transfer of the permit or license to the new location and issuing a revised permit or license indicating that*

*the funeral establishment, direct cremation facility or crematory is being operated 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 revised permit or license by the Board indicating that the funeral establishment, direct cremation facility or crematory is being operated at the new location.*

**Sec. 30.** *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 relating to crematory services.*

*2. The Board may approve a training program provided by a manufacturer of crematory equipment as a crematory certification program only if the training program satisfies the requirements of subsection 1.*

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

*4. A person who physically operates the crematory equipment in a crematory is not required to complete a crematory certification program approved by the Board pursuant to this section more than once.*

**Sec. 31.** *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 (NRS 642.416), 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:*

- (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 30 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 (NRS 642.416), proof of completion of continuing education must be maintained by the licensee 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, as amended by section 41 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961, 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 642.5175, 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 (NRS 642.416).*

**Sec. 32. 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 time period elapsed between the death of the deceased 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 to embalm the remains.*

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

**Sec. 33. 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. Human remains must be clothed or completely covered while the human remains are being refrigerated and after the human remains have been embalmed.*

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

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

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

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

**Sec. 34. 1.** *The following functions may be performed only by a licensed funeral arranger, funeral director or embalmer:*

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

*(b) Planning or arranging the details of at-need 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.*

*(c) Negotiating 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.*

*2. As used in this section, "at-need" means at the time the goods or services are needed.*

*Sec. 35. 1. 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, may only be performed by a licensed funeral director.*

*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.*

*Sec. 36. 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 injection of any disinfecting or preservation solutions into human remains of a deceased person;*

*(b) The aspiration of any fluids from the abdominal or thoracic cavities of human remains of a deceased person;*

*(c) The mechanical setting of the features of human remains of a deceased person which requires the use of instruments or sutures;*

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

*(e) Completing any postautopsy or postaccident restoration of human remains of a deceased person.*

*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. 37. 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, other than an identification viewing, of the human remains of the deceased person.*

*2. In accordance with NRS 642.5172, 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. As used in this section, “identification viewing” means the viewing of 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.*

**Sec. 38.** *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. 39.** 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 direct cremation facility* pursuant to NRS 642.345 ~~;~~



~~—(e)~~, as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958;

(b) A ~~license to direct cremations or immediate burials~~ permit to operate a direct cremation facility pursuant to ~~NRS 642.355; or~~

~~—(d)~~ section 5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950 (NRS 642.368);

(c) A permit to operate a funeral establishment pursuant to NRS 642.365 ~~+~~; or

(d) A license as an operator of a crematory pursuant to NRS 451.635.

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. 40.** 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. 41.** NAC 642.100 is hereby amended to read as follows:

642.100 ~~{Before February}~~

*1. On or before January* 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 that 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 the renewal of a license to operate a crematory submitted after March 1 of an even-numbered year.*

**Sec. 42.** NAC 642.110 is hereby amended to read as follows:

642.110 ~~{Before February}~~

*1. On or before January* 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 ~~1~~ **of that 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 the renewal of a certificate of authority to operate a cemetery submitted after March 1 of an even-numbered year.**

**Sec. 43.** NAC 642.160 is hereby amended to read as follows:

642.160 1. A licensed funeral director, or a person ~~who holds a license to conduct direct cremations or immediate burials,~~ **designated by the licensed funeral director to act on behalf of the licensed funeral director**, may transport a dead human body if it is embalmed and prepared by a licensed embalmer.

2. A licensed funeral director **, or a person designated by the licensed funeral director to act on behalf of the 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 licensed funeral director, or a person designated by the licensed funeral director to act on behalf of the licensed funeral director, may, without complying with the provisions of subsection 1 or 2, transport a dead human body** ~~to the care of a funeral establishment,~~ **from a location inside this State or**

*within 90 miles of this State to any other location inside this State or within 90 miles of this State.*

**Sec. 44.** 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,~~ 642.5175, the  
term:

(a) "Unprofessional conduct" includes, in addition to the conduct set forth in NRS ~~642.480,~~  
642.5174, 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,~~ 642.5172, 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* ~~H~~, *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. 45.** 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~~ **642.5178** 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. 46.** NAC 642.120 is hereby repealed.

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## TEXT OF REPEALED SECTION

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**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

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### AGENDA ITEM 4: Legislation Changes

The Board was previously advised that LCB will not be drafting the language regarding a timeframe to allow for arrangers to become licensed and for crematory operators to obtain training. She stated that LCB indicated that the Board does not have that authority to make those changes as they feel the Board would be allowing unlicensed activity. She stated that LCB indicated it would require a statutory change.

Warren Hardy asked if the Board would be supportive of a statutory change.

Notes: A funeral arranger can become licensed in two weeks.

Several manufacturer trainings have been approved including one which allows for an on-line webinar format.



STATE OF NEVADA  
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## AGENDA ITEM 5: Changes to NAC 440

Attachment: R066-16

## **R066-16**

**Section 1.** Chapter 440 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 6.

**Section 2.** *“Homebirth” means the live birth of a child in an establishment outside of a hospital and the child is not immediately transported to a hospital as described in NRS 440.280 (2).*

### **Section 3.**

#### ***Prerequisites for filing birth certificate for a homebirth.***

- 1. A person for whom a birth certificate for a homebirth is to be filed must have been born in Nevada and a birth certificate must have not have been previously filed in this state, any other state or any country.*
- 2. The State Registrar of Vital Statistics must find that the following facts have been established concerning the person whose birth is to be registered:*
  - (a) Parentage;*
  - (b) Pregnancy;*
  - (c) Live birth; and*
  - (d.) Birth occurred in Nevada*
- 3. An applicant for filing a birth certificate for a homebirth must present documentary evidence to prove each of those facts to establish birth as prescribed in section 1 subsection (a – d).*

### **Section 4.**

- 1. The State Registrar of Vital Statistics or the State Registrar's designated representative shall determine whether documentary evidence submitted is sufficient to warrant the filing of a birth certificate. The Registrar or such a representative may deem any documentary evidence as insufficient and at any time may institute a thorough and independent investigation of a case.*
- 2. Any document for a homebirth must be authenticated by being an original document or a copy of a verifiable document. The Registrar may allow documents not otherwise authenticated to be accompanied by an affidavit from the applicant declaring the authenticity of the document or the applicant's belief in the truth of its contents.*
- 3. Documents that show erasures or alterations must not be accepted as proof of the facts of birth. Where an applicant for a birth certificate for a homebirth has been unable to furnish documentary evidence, a complete statement of the facts and the reason for the absence of such evidence must be noted on the birth record.*
- 4. The types of documentary evidence which the State Registrar of Vital Statistics may accept to establish parentage:*
  - (a.) Photo ID; and*
  - (b.) Two completed witness information forms established by the State Registrar.*
- 5. The types of documentary evidence which the State Registrar may accept to establish pregnancy:*
  - (a.) Prenatal record; or*
  - (b.) An affidavit from the licensed physician, public health nurse or other qualified health care provider seen during pregnancy; or*



*(c.) Ultrasound*

*6. The types of documentary evidence which the State Registrar may accept to establish live birth:*

*(a.) Affidavit from the licensed physician, public health nurse or other qualified health care provider who saw or examined the baby within 14 days of birth; or*

*(b.) Physical appointment with state or local registrar with baby.*

*7. The types of documentary evidence which the State Registrar may accept to establish birth in registration district:*

*(a.) A Nevada utility bill showing residency at the time of birth that also shows a parent's name;*

*(b.) A credit card or debit card transaction that includes the date and location of the transaction*

## **Section 5.**

*1. If a midwife provides sufficient certification documentation and an active State of Nevada business license, access to the state's electronic birth registration system may be granted for filing a birth certificate of homebirth.*

*2. If sufficient certification documentation is not provided, filing of a homebirth birth certificate will require the listed documentary evidence for registering a homebirth to be submitted to State Registrar in person or by mail.*

*3. The types of certification documentation which the State Registrar of Vital Statistics will accept to establish access to the electronic birth registration system for a midwife include a valid business license and one of the following:*

*(a.) Licensure or certification from a Nevada state licensing board;*

*(b.) Certification from American Midwife Certification Board;*

*(c.) Certification from North American Registry of Midwives; or*

*(d.) Certification of completion from other method of midwifery training, apprenticeship, or midwifery school.*

## **Section 6.**

*The state or local registrar may issue a burial or removal permit without a completed certificate of death or certificate eligible to be registered for coroner or medical examiner cases pending investigation or for any situation requiring significant difficulty or expense.*

## **Section 7.**

*When the cessation of the cardiovascular and respiratory functions of a patient occurs and, when applicable, all resuscitative efforts are without success a physician licensed pursuant to chapter 630, 630A or 633 of NRS or a physician assistant or a registered nurse authorized by a physician pursuant to NRS 440.415 shall pronounce death.*

*A licensed EMS professional shall report the date and time resuscitative efforts were ceased for cardiovascular and respiratory functions to the Coroner's office.*

*The coroner or his/her designee may pronounce death if no official pronouncement has been made prior to his physical examination of the patient.*

**Section 8.** NAC 440.010 is hereby amended to read as follows:

As used in this chapter, "State Registrar" has the meaning ascribed to it in NRS 440.060. The term includes the State Registrar's appointed ~~[deputies]~~ *designees*.

**Section 9.** NAC 440.020 is hereby amended to read as follows:

If any provision of NAC 440.010 to 440.~~210~~400 and *sections 2 through and 6*, inclusive, is declared unconstitutional or invalid for any reason, the remainder of those provisions are not affected thereby.

**Section 10.** NAC 440.0215 is hereby amended to read as follows:

Except as otherwise provided in NAC 440.022, the State Registrar or the State Registrar's designee may provide a *data or statistical* index that contains information from the vital statistics records that he or she maintains to a person who does not have a direct and tangible interest in that information if:

1. The person who requests the information:
    - (a) Submits evidence that is satisfactory to the State Registrar or the State Registrar's designee that the person is requesting the information for a legitimate *public health* research purposes;
    - (b) Specifically describes the type of information he or she is requesting; and
    - (c) Pays all applicable fees; and
  2. The index contains:
    - (a) Only names of persons and their corresponding places and dates of birth or death; or
    - (b) Other information set forth in the vital statistics records the State Registrar maintains but does not identify the persons to whom that information relates.
- ☐ The index must not contain any social security numbers or residential addresses.
3. *An index cannot be requested using identifying personal information such as names or residential addresses.*
  4. *The State Registrar or the State Registrar's designee may reject any request for an index to protect identifying personal information.*

**Section 11.** NAC 440.022 is hereby amended to read as follows:

The State Registrar may furnish any federal, state, *or* local ~~[or other public or private]~~ agency with any information contained in the vital statistics records the State Registrar maintains if the agency:

1. Is required by state or federal law to maintain the confidentiality of the information; ~~or~~
2. Agrees in writing to maintain the confidentiality of the information;
3. *The person is requesting the information for legitimate government purposes; and*
4. *Pays all applicable fees.*

**Section 12.** NAC 440.026 is hereby amended to read as follows:

1. A person who requests ~~[that]~~ the State Registrar ~~[or local registrar]~~ alter or correct a certificate of birth, death or fetal death must prepare an affidavit in support of the request and file

it with the State Registrar ~~[or the local registrar in the county in which the certificate originated]~~ if:

(a) The certificate has been ~~[sent to the State Registrar and he or she has]~~ assigned ~~[it]~~ a *state file number*;

(b) Any certified copy has been issued; *or*

(c) The proposed alteration ~~[is a major one]~~ *does not require a court order.*

2. Except as otherwise provided in NAC 440.035, if the State Registrar finds that the *submitted* evidence supporting a request for ~~[a major]~~ alteration is satisfactory, the State Registrar shall alter the original certificate and send a copy of it to the local registrar.

3. A local registrar who receives such an affidavit:

(a) Shall not alter his or her copy of the certificate; and

(b) Shall replace the existing copy in his or her files with a copy of the certificate after alteration by the State Registrar.

**Section 13.** NAC 440.030 is hereby amended to read as follows:

1. An affidavit for alteration or correction of a certificate, *which includes, but is not limited to the alteration or correction of any date of birth, date of death, age, any part of the location of the birth or death, gender on a birth or death certificate, time of birth, hour of death, a birth place on a birth or death certificate, any part of an address location on the birth or death certificate, the certifier or attendant information for a birth certificate, any part of the cause of death section including any injury information, if the death was due to a communicable disease, any funeral director or certifier information on a death certificate, any disposition information of the decedent's remains on a death certificate, the occupation, industry, education, social security number, race, ethnicity, or military service information on a death certificate or any name on a certificate where an error can be proven,* must consist of ~~[two parts as follows]~~ the following:

(a) ~~[The first part must consist of a]~~ An ~~[principal]~~ affidavit in which the affiant sets forth the facts that are not correctly stated on the certificate and also sets forth the changes necessary to correct the certificate~~[-]; and~~

(b) ~~[The second part must consist of a]~~ A supplementary affidavit *or other verifiable evidence* corroborating the facts contained in the principal affidavit. *Any* ~~[The]~~ supplementary affidavit must be executed by a person other than the affiant of the principal affidavit.

2. The State Registrar ~~[or the local registrar]~~ may accept the affidavit for alteration or correction of a certificate only if the affiants:

(a) Have signed ~~[both parts]~~ *any affidavits* and these signatures are notarized; and

(b) Have personal knowledge of the facts stated therein *and have provided sufficient verifiable evidence to support.* For this section, *personal knowledge is defined as cognizance of a circumstance or fact gained directly through firsthand experience or observation, which may have been gain through personal, familial, medical or professional relationship with the individual.*

**Section 14.** NAC 440.035 is hereby amended to read as follows:

The State Registrar ~~[or local registrar]~~ shall not alter or correct any certificate *assigned a state file number* without an order from a court of competent jurisdiction if that proposed alteration:

1. Consists of the substitution of the name of a different *name or* person as surviving spouse of the deceased *or changes the name or marital status of the deceased person* on a death

certificate, where the evidence offered to support the action is contradictory or otherwise unsatisfactory;

2. Consists of the substitution of a different ~~[sur]~~name for a child whose birth is registered on the certificate or a different name for either of his or her parents *except as otherwise provided in NRS 440.280 (6)(c)*; or

3. Would indicate some other ~~[fundamental]~~ change in a legal relationship ~~[or other material changes]~~ *but does not include the change of a middle name to a middle initial, middle initial to a middle name or the informant on a death certificate.*

**Section 15.** NAC 440.040 is hereby amended to read as follows:

1. A person ~~[who]~~ *may* request~~[s that]~~ *from* the State Registrar or a local registrar *to* alter or correct a certificate of birth, death or fetal death ~~[need not]~~ *without* ~~[prepare]~~ preparing an affidavit in support of the request if:

(a) The original certificate is still held by the *State Registrar or* local registrar~~[, or if it has been sent to the State Registrar and he or she has not yet assigned it]~~ *and has not been assigned a state file number; or*

(b) No certified copy of the certificate has been issued; ~~[and]~~  
~~[(e) The proposed alteration is minor.]~~

2. If the state or local registrar finds that the evidence supporting a request for an ~~[minor]~~ alteration of a certificate is satisfactory, he or she shall *authorize the* alteration of the ~~[original]~~ *certificate.*

**Section 16.** NAC 440.060 is hereby amended to read as follows:

1. The State Registrar may prepare a replacement certificate.

2. To the extent possible the information on the certificate must be copied directly from the old certificate to the new certificate.

3. Except for the local registrar's signature, the signatures required for the certificate must be typed *or entered* in conformity with the signatures appearing on the original certificate. The item labeled "Registrar Signature" must be signed by the State Registrar.

4. The original certificate must be retained for permanent filing.

5. ~~[Notation must be clearly placed upon t]~~ The new ~~[certificate]~~ *record shall be noted* that it is a replacement certificate for an original certificate on file.

**Section 17.** NAC 440.070 is hereby amended to read as follows:

1. The district health officer of Washoe County and the district health officer of Clark County may issue a certified copy of a certificate of birth or death if the certificate was originally filed with that district health office. The district health officer shall issue a certified copy in the manner set forth in NRS 440.650.

2. As used in NRS 440.650, a "direct and tangible interest" means a:

(a) Direct relationship by blood or marriage *to the second degree of consanguinity / affinity* to the person named on the certificate;

(b) Legal relationship to the person named on the certificate; ~~[or]~~

(c) Requirement imposed by law or otherwise to facilitate legal process; *or*



*(d) A funeral director or his or her designee from the funeral home listed on the death certificate within 120 days from the date of registration.*

**Section 18.** NAC 440.075 is hereby amended to read as follows:

1. The statistical portion of a certificate of birth, death or fetal death is for medical and health use only and must not be reproduced as part of a certified copy.

2. A certified copy of a certificate of birth, death or fetal death must be made on paper of the following quality:

(a) Banknote *security* paper; or

(b) ~~[Paper designed for use in a microfilm copier]~~ *Other security paper as determined by the State Registrar or his or her designee.*

3. *The specifications for security paper shall be determined by the State Registrar or his or her designee and the local registrars. Each county shall use the same type of paper.*

~~[3]~~ 4. When the State Registrar prepares a new birth certificate in the English language pursuant to the provisions of NRS 440.303, the State Registrar shall prepare the certificate on ~~[banknote]~~ *security* paper of a different color from that used for preparing copies of certificates for births, *deaths and fetal deaths* occurring in this state.

**Section 19.** NAC 440.080 is hereby amended to read as follows:

1. The form known as "affidavit for correction of a record" must be used for ~~[a supplementary report of]~~ a given name when the given name has been omitted on the original certificate.

2. The affidavit~~[s]~~ *for correction of a record* must be completed during the lifetime of the child in accordance with the procedures for correction of a certificate now on file described in NAC 440.030 ~~[and 440.040]~~.

~~[3.—The name of the child must be entered on the face of the certificate when possible, and the proper notation made on the reverse side of the certificate.]~~

**Section 20.** NAC 440.110 is hereby amended to read as follows:

In the case specified by NRS 440.325, all information needed for the new certificate except the name of the child *and* the information related to the father ~~[and the name of the informant must be obtained from the original certificate]~~ *must be obtained from the original certificate.* The name of the child and the name, age and state of birth of the father must be obtained from the ~~[document]~~ *court order or Declaration of Paternity* filed by the father *or mother with the State Registrar.* ~~[The name of the father may appear on the line "Informant."]~~

**Section 21.** NAC 440.120 is hereby amended to read as follows:

In preparing a new certificate of birth pursuant to NRS 440.310, the items specified by the *certified copy of the adoption decree and the certified report of adoption* must ~~[be]~~ *match and be* completed as specified. If *any of* the information needed to complete the *new certificate* ~~[items labeled "Child" and "Certifier"]~~ is not specified by the adoption decree *or the report of adoption form*, the information must be transcribed directly from the original certificate. The information needed to complete the ~~[items labeled]~~ *"Parent or Mother" and "Parent or Father"* ~~[in the upper]~~ *sections* of the certificate must be collected ~~[on a]~~ *from the report of adoption* form devised for that purpose by the State Registrar. *The names of the "Parent" and "Parent" on the report of adoption form must match the adoption decree. Any names or suffixes omitted on the adoption*

*decree may be added if listed on the certified report of adoption form. [The item labeled "Informant" may show the name of one of the parents named on the certificate. All other items must be transcribed directly from the original certificate.]*

**Section 22.** NAC 440.150 is hereby amended to read as follows:

On any new birth certificate prepared by the State Registrar as specified in NAC 440.100 to 440.140, inclusive, the item labeled "Certifier Signature" must be *typed or entered* in conformity with the signature appearing on the original certificate and the item labeled "Registrar Signature" must be signed by the State Registrar.

**Section 23.** NAC 440.155 is hereby amended to read as follows:

A ~~[county health officer]~~ *State or local registrar* may issue an abstracted certificate of birth if the abstracted certificate contains ~~[at least]~~ *only* the following information:

1. Name of the person whose birth is recorded on the certificate;
2. Date of the birth of the person whose birth is recorded on the certificate;
3. *State File* Number of the original certificate;
4. Race or ethnicity of the person whose birth is recorded on the certificate;
- ~~[5. Maiden name of the mother of the person whose birth is recorded on the certificate;]~~
- ~~[6]~~ 5. Sex of the person whose birth is recorded on the certificate;
- ~~[7]~~ 6. Date of ~~[issuance]~~ *registration* of the original certificate; *and*
7. *Birthplace of the person whose birth is record on the certificate.*
- ~~[8. Date of issuance of the abstracted certificate.]~~

**Section 24.** NAC 440.160 is hereby amended to read as follows:

1. The person who is required to certify the cause of death shall complete the portions of the death certificate pertaining to the cause of death and the certification of death ~~[and return the certificate to the undertaker or person acting as undertaker who presented it to him or her]~~ within 48 hours after such presentation *or being assigned as the certifier*.

2. If the death did not occur in a hospital or other institution and the death was attended by a physician who will not be available within 48 hours after the death, the certificate must be presented *or assigned* to an associate physician who has access to the attending physician's medical files on the deceased. The associate physician shall complete and *certify* ~~[return]~~ the death certificate *within 48 hours after such presentation or being assigned as the certifier*.

3. If the death occurred in a hospital or other institution and the death was attended by a physician who will not be available within 48 hours after the death, the certificate must be presented *or assigned* to the chief medical officer of the institution or an associate physician who has access to the medical records of the deceased. The chief medical officer or associate physician shall complete and *certify* ~~[return]~~ the death certificate *within 48 hours after such presentation or being assigned as the certifier*.

4. *Any certificate rejected for the certification of cause of death or lack of information or certifier signature shall be completed by the certifier with 24 hours of the rejection.*

**Section 25.** NAC 440.165 is hereby amended to read as follows:

1. The statement of the cause of death in a medical certificate of death *is the certifier's best medical opinion and* must be:

(a) Written legibly *when completed on a paper certificate*; and

(b) Expressed clearly and concisely.

2. The State Registrar or local registrar shall return a medical certificate of death to the certifier to be corrected or made more definite if the statement:

(a) Consists of only the term "natural causes";

(b) *Consists solely of mechanisms of death which merely attests to the fact of death* or ~~(c)~~ contains any other indefinite or obsolete term which denotes only the symptom of a disease or the conditions resulting from a disease;

(c) Is illogically or confusingly written; or

(d) Contains ~~[personal]~~ abbreviations, *misspellings* or is written in shorthand *or all capital letters*.

3. Part I of the statement of the cause of death in the standard certificate of death approved by the United States Public Health Service may contain only the sequence of disease or the injury or other trauma directly resulting in death, as follows:

(a) Line "A" must show the immediate (primary) cause of death;

(b) Line "*B and C*" must show the contributory or intermediate cause of death; and

(c) Line "~~(c)~~ D" must show the underlying cause of death.

☐ The underlying cause of death must be the last cause listed. If there ~~[is]~~ *are* no intermediate causes, the underlying cause must be entered on line "B". If the immediate cause and the underlying cause are synonymous, only one entry is necessary. *It is permissible for a certifier to qualify a cause of death as "probable" or "presumed" even if it has not been definitively diagnosed.*

4. Part II of the statement of the cause of death must show the diseases, injuries or other factors which are medically or statistically significant but not directly related to the cause of death.

5. The statement of the cause of death must be submitted electronically by the certifier to an electronic death registry system approved by the Division of Public and Behavioral Health of the Department of Health and Human Services and attested to by the certifier by means of an electronic signature.

6. As used in this section, "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(Added to NAC by Bd. of Health, eff. 12-3-84; A by R126-12, 2-20-2013)

**Section 26.** NAC 440.170 is hereby amended to read as follows:

Except as otherwise provided in NAC 440.180, a death shall be considered to have been attended by a physician if the deceased:

1. Had ~~[seen]~~ *been examined, treated, prescribed medications, or provided care* by the physician ~~[professionally]~~ *for an acute or chronic condition* within ~~[3]~~ *180* days preceding the death;



2. Was pronounced dead by a registered nurse *or physician assistant* pursuant to NRS 440.415; or
3. Was diagnosed by a physician as having an anticipated life expectancy of not more than 6 months.

**Section 27.** NAC 440.180 is hereby amended to read as follows:

If the deceased had been under a physician's care under the conditions set forth in NAC 440.170, but the cause of death was unrelated to the purpose for which the deceased consulted the physician, the death shall not be considered to have been attended and must be referred to the ~~[local health officer]~~ *county coroner or medical examiner for review.*

**Section 28.** NAC 440.190 is hereby amended to read as follows:

1. Within ~~[a reasonable time]~~ *72 hours* after any disinterment or removal of human remains, the funeral director or person who performed the disinterment shall send a copy of the permit for the disinterment *and an affidavit for correction of a record* to the State Registrar.
2. Upon receipt of the copy, the State Registrar shall:
  - (a) Change the statement of the place of interment on the certificate of death to show the new place of interment if the remains have been interred in a new place; and
  - (b) Send a copy of the changed certificate to the local registrar in the county of the new place of interment.

**Section 29.** NAC 440.300 is hereby amended to read as follows:

As used in NAC 440.300 to 440.360, inclusive, "delayed certificate of birth" means a certificate of a person's birth filed more than ~~[4]~~ *1 year[s]* after the ~~[time prescribed for its filing]~~ *person of record's date of birth.*

**Section 30.** NAC 440.310 is hereby amended to read as follows:

1. A person for whom a delayed certificate of birth is to be filed must have been born in Nevada, and a birth certificate for the person must not have been previously filed in this state, *any other state or country. The applicant must provide verification from the State Registrar or local registrar that a current registered birth record does not exist within the State of Nevada.*
2. Before filing a delayed certificate of birth, the State Registrar of Vital Statistics must find that the following facts have been established concerning the person whose birth is to be registered:
  - (a) Date of birth;
  - (b) Birthplace; and
  - (c) Parentage.
3. An applicant for the filing of a delayed certificate *of birth* must present at least two documents from independent sources to prove *each of* those facts *to establish birth as prescribed in section 2 subsection (a – c).* ~~[unless such documentary evidence is not available. If it is not, the applicant must present all other evidence available to him or her.]~~ *A document may be used to prove any or all of those facts.* In certain cases, to be determined by the Registrar, the applicant's inability to furnish documentary evidence does not preclude the Registrar from filing the certificate.



**Section 31.** NAC 440.320 is hereby amended to read as follows:

1. Any document presented must be at least 5 years old in order to be considered as evidence, except where:

(a) The person whose birth is involved is less than 12 years of age; or

(b) The Registrar determines to take into account more recent records in his or her investigation of the case.

2. Any document *must be authenticated by being an original copy, a verifiable copy or notarized copy in a sealed file from the independent source. The Registrar may allow documents* not otherwise authenticated **[must]** to be accompanied by an affidavit from the applicant declaring the authenticity of the document or the applicant's belief in the truth of its contents.

3. Documents that show erasures or alterations must not be accepted as proof of the facts of birth.

4. *All accepted documentary evidence shall be listed as part of the delayed certificate of birth record.*

**Section 32.** NAC 440.330 is hereby amended to read as follows:

The types of *documentary* evidence which the State Registrar of Vital Statistics may accept to establish the facts necessary for the filing of a delayed certificate of birth follow in the order of preference:

1. A hospital record of birth.

2. A physician's record of birth.

~~[3.] A certificate of baptism or confirmation, a cradle roll or other church record.]~~

**[4] 3.** An affidavit. If the affidavit is to prove the date of the applicant's birth, the affiant must state why he or she knows and remembers the date. The relationship of the affiant to the applicant must be stated in the affidavit.

4. *A Nevada utility bill showing residency at the time of birth that also shows a parent's name.*

5. *A United States Census record.*

6. *A Social Security numident record.*

7. *A full page newspaper notice of birth showing the name and date of birth.*

8. *A certificate of baptism or confirmation, a cradle roll or other church record.*

~~[5] 9.~~ An entrance record from a school.

~~[6] 10.~~ An insurance policy or a copy of a signed application for an insurance policy.

~~[7] 11.~~ A certificate of discharge from the Armed Forces.

~~[8] 12.~~ A record in a family bible if the information was recorded before the applicant's **[fourth]** *first* birthday.

~~[9] 13.~~ A driver's license.

~~[10] 14.~~ A marriage record.

~~[11] 15.~~ A record of a voter's registration.

~~[12] 16.~~ An employment record.

~~[13] 17.~~ A birth certificate of the applicant's child.

~~[14] 18.~~ A record from an organization of which the applicant is or was a member.

~~[15] 19.~~ Any other relevant document.

**Section 33.** NAC 440.340 is hereby amended to read as follows:

1. The State Registrar of Vital Statistics or the State Registrar's designated representative shall determine whether documentary evidence submitted is sufficient to warrant the filing of a delayed certificate of birth.

2. The Registrar or such a representative may *deem any documentary evidence as insufficient and at any time may* institute a thorough and independent investigation of a case.

3. If an investigation is made, the Registrar shall include a summary of findings as part of the *[certificate] birth record*.

**Section 34.** NAC 440.350 is hereby amended to read as follows:

Where an applicant for a delayed certificate of birth has been unable to furnish documentary evidence, *the State Registrar may request and accept* a complete statement of the facts and the reason for the absence of such evidence must be placed *[e]* in the ~~*[certificate and shown on any certified copies thereof]*~~ *the birth record or advise the applicant of his or her right to seek an order from a court of competent jurisdiction.*

**Section 35.** NAC 440.360 is hereby amended to read as follows:

1. If the *[applicant] person of record* is *[12] 18* years of age or over, the *[applicant] person of record* must sign ~~*[the delayed certificate of birth]*~~ *an affidavit provided by the State Registrar* attesting under oath to his or her belief in the truth of the statements made concerning the applicant's age, birthplace and parentage.

2. If the *[applicant] person of record* is under *[12] 18* years of age, the *[certificate] affidavit* may be signed by the applicant or by the parents or guardian of the *[applicant] person of record*.

#### REMOVE THE FOLLOWING SECTION

**Section 36.** NAC 440.130 is hereby amended to read as follows:

~~—1. [The State Registrar may prepare a new certificate of birth for a person having a sexual transformation only upon order of a court of competent jurisdiction]~~

~~—2. [The court order must specify those facts to be changed on the new certificate. All other items must remain as on the original certificate.]~~

~~—[Bd. of Health, Births and Deaths Art. 11, eff. 7-3-76]~~

**Section 1.** NAC 440.400 is hereby amended to read as follows:

1. A health district shall remit to the State Registrar:
  - (a) For each registration of a birth or death in its district..... \$2
  - (b) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a) of subsection 3 of NRS 440.175..... ~~[7]~~ \$5
  - (c) For each copy issued of a certificate of death in its district..... ~~[H]~~ \$5
2. Except as otherwise provided in NRS 440.700, the State Registrar will charge *and as applicable the local registrar may charge* and collect the following fees:
  - (a) For searching the files for one name, if no copy is made or *record is found*..... \$10
  - (b) For verifying *or witnessing* a vital record *or document*..... \$10
  - (c) *For an Electronic Verification of a Vital Event (EVVE).....\$2*
  - ~~[e]~~(d) For establishing and filing a record of paternity *with the State Registrar*, other than a hospital-based paternity, and providing a certified copy of the new record..... \$40
  - (e) For establishing and filing a record of paternity with the State Registrar for the Division of Welfare and Supportive Service, Child Support Enforcement Program with no certified copy issued..... \$10*
  - ~~[d]~~(e) For a certified copy of a record of birth..... \$20
  - ~~[e]~~(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025..... \$20
  - ~~[f]~~(g) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 .... \$20
  - ~~[g]~~(h) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record..... \$40
  - ~~[h]~~(i) *For a certifier correcting a record on file with the State Registrar when the correction is due to no error by the certifier as determined by the State Registrar..... \$10*
  - ~~[i]~~(j) For replacing a record on file with the State Registrar and providing a certified copy of the new record ... \$40
  - ~~[j]~~(k) For filing a delayed certificate of birth *with the State Registrar* and providing a certified copy of the certificate.. \$ 40
  - ~~[k]~~(l) For the services of a notary public provided by the State Registrar..... \$2

[1] (m) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State..... \$200

[1] (n) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State..... \$100

[1] (o) For compiling data files which require specific changes in computer programming..... \$500

DRAFT



STATE OF NEVADA

## FUNERAL AND CEMETERY SERVICES BOARD

3740 Lakeside Drive, Suite 201, Reno, Nevada 89509

Phone (775) 825-5535 \* Fax (775) 507-4102

Email: [nvfuneralboard@fb.nv.gov](mailto:nvfuneralboard@fb.nv.gov) \* Website: <http://funeral.nv.gov/>

### AGENDA ITEM 7: Approval of Minutes

Approval of March 15, 2016 minutes requested.

Attachment: Draft Minutes

# NEVADA FUNERAL AND CEMETERY SERVICES BOARD

## MINUTES OF MEETING

**Tuesday, March 15, 2016, 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

**Please Note:** The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to three minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment.

***Action by the Board on an item may be to approve, deny, amend, or table.***

**1. Call to order, roll call, introduce new members, establish quorum**

**Members Present**

Dr. Wayne Fazzino, Board Chair  
Loretta Guazzini, Board Treasurer  
Bart Burton  
Brian Rebman  
Dr. Randy Sharp

**Board Staff Present**

Jennifer Kandt, Executive Director  
Peter Shaw, Inspector  
Marie Paakkari, Executive Assistant

**Board Legal Counsel Present**

Henna Rasul, Senior Deputy Attorney General

Tammy Dermody, Board Secretary - Absent

There was discussion regarding the public member vacancy. Jennifer Kandt stated that she has been in contact with the Governor's office regarding a possible new Board member from the Department of Veteran's Services.



## **2. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

- 3. REGULATION WORKSHOP** – Workshop to solicit public comment on LCB File Number R067-15 and additional changes to Chapters 451, 452 and 642 of Nevada Administrative Code. The regulation sets 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 goods and services; requirements for embalmers, funeral directors, and funeral arrangers; and providing other matters thereto.

Jay Gunter, owner of Gunter's Funeral Home questioned the moral character policy in regards to the 5 year provisions. He stated individuals cannot apply to have records sealed until after 7 years, so thought that 7 years would be more appropriate.

Ryan Bowen, owner of La Paloma questioned Section 34(3) regarding obituaries. He stated that he did not understand how this was a public protection issue. He stated that prohibiting the obituaries was going to put the direct cremation facilities at a competitive disadvantage and seemed to be protecting the industry as opposed to protecting the public.

Jennifer Kandt stated that the section dealing with the direct cremation facilities was taken directly from another state.

Ryan Bowen stated that he doesn't believe that protects the public in any way, and is the industry protecting their own interests.

Jay Gunter stated that he felt obituaries were very important records as he has been able to help people with genealogy and finding relatives.

Ryan Bowen stated that he felt the section dealing with moral character was too broad and thought that there should be some limitations on the Board's ability to place judgements on people.

Warren Hardy representing La Paloma questioned the moral character clause and asked if it was a catch all or if what was listed above would be what was considered for moral character. He stated that he thinks that goes beyond most statutes.

Jennifer Kandt stated that currently the statute allows for the Board to determine "good moral character", but does not give any further guidance or limitations on those determinations. This section would give the Board concrete definitions of what would be considered, but would also give them the ability to review any mitigating or aggravating factors associated with the individual cases.

Warren Hardy commented on the section pertaining to limiting the number of locations that a funeral director can manage and he suggested that the section be amended to state that you cannot directly manage more than 3 locations unless you are also the owner. He said that he would like to include that exemption. He said that he thinks that limiting an owner could be problematic.

Warren Hardy also commented on the section regarding visitation and stated that he thought the intent is to prohibit a public visitation which they are in agreement with, but also stated that it would not allow id viewing and was opposed to that.

Warren Hardy stated that he also had concerns regarding the transportation within 90 miles and wanted clarification on the 90 miles.

Jennifer Kandt stated that the Board did need to review the transportation section again and agreed that there were some issues.

Warren Hardy stated that he was opposed to the section requiring a licensed embalmer for a funeral establishment. He stated that the law already requires that a licensed embalmer for all embalming so he thinks this is unnecessary.

Jennifer Kandt stated that funeral establishments may offer embalming services, but when the inspector shows up, they do not have any embalmers on staff and that raises questions.

Joe Eckart stated that he is in support of limiting the number of funeral establishments that a funeral director can manage as they cannot give proper attention to multiple locations. He also stated that he agreed that all viewings should be done through a contracted funeral establishment and not a direct cremation facility as they do not hold the bodies. Joe Eckart stated that other states have transporter licenses. He said that if a licensed funeral establishment is handling the case, then a transporter should be allowed to transport under the funeral establishment license. He also stated that he is in full support of requiring a funeral establishment to employ or retain on contract a licensed embalmer.

Jay Gunter asked what qualified as a sealed container, and Jennifer Kandt stated that the Board had approved sealed caskets, bioseal containers, and zieglers.

Ryan Bowen stated his objection to limiting the number of locations that could be managed by one funeral director.

Wayne Fazzino closed public comment.

**4. Discussion, recommendation, and possible action regarding proposed changes to Chapters 451, 452, and 642 of Nevada Administrative Code (For possible action)**

Jennifer Kandt stated that the Board had heard from the public and now needed to vote on any changes to the proposed regulations.

Lorretta Guazzini stated that she would like to change the section regarding removal from refrigeration for visitation from 8 hours to 4 hours as families always go over the allotted time. She said she would like it to read not to exceed 4 hours.

There was discussion that the funeral establishment did not have to provide for an 8 hour viewing, but could not exceed 8 hours.

Bart Burton said that he would like to leave it at 8 hours. He said he did not think it was sensitive of the Board to tell the family to hurry along because it is the law. He stated that 8 hours is technically a full working day and a more conscientious approach. The washing can sometimes take 15 – 20 minutes or for someone else could take hours.

Randy Sharp questioned how quickly the body is decomposing over an 8 hour timeframe, and asked if that is a consideration for this section.

Warren Hardy requested that the public be allowed to make additional comments during this section as the Board was considering changing something not previously discussed.

Joe Eckart stated that he felt the Board should leave the maximum timeframe at the 8 hours and then it can be up to the funeral home to limit the number of hours.

Warren Hardy said that he felt the Board should put standard at 4 or 8 hours but have an exemption for religious rituals.



Joe Eckart said that the Board has a responsibility to protect the public and religious rituals don't override that responsibility.

Jim Lee stated that refrigeration does not stop decomposition and there should be limits.

Jennifer Kandt pointed out that Section 3 does allow for further limitations if the local health officer deems necessary and she questioned whether the Board would prefer to give that authority to the funeral director.

Jay Gunter said that he did not think that the funeral establishment or funeral director should make that decision because of communicable diseases.

Brian Rebman stated that having to go through the health officer might be challenging and that maybe having the embalmer make that decision would be more appropriate.

Jennifer Kandt explained that this section was drafted because a family wanted to have an unembalmed body in their home for 3 days after it had come to the funeral establishment for the refrigeration within 24 hours. It was refrigerated within 24 hours, but then nothing else seems to explain how long the body can be removed after that initial 24 hours.

Joe Eckart stated that there are no laws regarding a family having a body in their home and said that the public does not have the same laws as a funeral home.

Jennifer Kandt agreed but stated that if the body has come into the care of the funeral establishment, the funeral establishment then has an obligation to ensure compliance.

Joe Eckart said that he feels that the funeral home could provide a waiver to the public.

**Bart Burton moved to approve sections 1-14 and keep section 3 (e) and section 11(2)(e) as written. Brian Rebman seconded the motion and the motion was carried unanimously.**

Jennifer stated that currently the Board has full authority to determine good moral character, but no guidelines within regulation on what constitutes good moral character. The Board currently has a policy that they have been using to guide the Board, but if these regulations are adopted, then the policy would be eliminated.

Jay Gunter stated that gross misdemeanors are not addressed, and thinks they should be added. Additionally, he stated that all of the sections should be 7 years, not 5 years.

Dr. Randy Sharp asked as a point of clarification if the Board can keep the policy.

Jennifer Kandt stated that they either need the policy or the regulation change, but cannot have both as they currently exist as they would conflict.

Dr. Wayne Fazzino stated that having the moral character policy gives the Board more discretion.

Warren Hardy said that he does not dispute the Boards decisions regarding moral character, but thinks that it should be in regulation. He said that he has concerns regarding the section at the end which appears to be a loop hole.

Jennifer Kandt stated that it is simply allowing for the Board to review mitigating or aggravating factors in making moral character determinations.

**Dr. Randy Sharp moved to change the 5 years to 7 years, add gross misdemeanors and keep the rest the same. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

The Board discussed sections 16–24 and Lorretta Guazzini questioned what would happen to the establishment if they did not renew. Jennifer Kandt clarified that they would not be allowed to operate, and they would need to reapply with a new application.

Lorretta Guazzini stated that she felt that on Section 17 three establishments was a reasonable number. She asked if including the license number on the statement of funeral goods and services was necessary.

Jennifer Kandt stated that it was a way to see who actually made the arrangements.

**Lorretta Guazzini moved to accept sections 16-24 with no changes. Bart Burton seconded the motion and the motion was carried unanimously.**

The Board discussed sections 25-27 and Lorretta Guazzini questioned section 25 regarding name changes and asked if they would have to wait for a meeting to have this approved.

Jennifer Kandt stated that since it is just a name change, it would not go to a Board agenda.

**Lorretta Guazzini moved to accept sections 25-27 with no changes. Bart Burton seconded the motion and the motion was carried unanimously.**

There was discussion regarding sections 28–29 and clarification that proof of continuing education would be audited by the Board.

**Bart Burton moved to approve sections 28-29 as written. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

Jennifer Kandt stated that in section 30, there was a concern as to what it meant to maintain the “privacy” of the remains and recommended that word “privacy” be changed to “dignity.” She stated that item 2 may actually be redundant since section 1 has a similar requirement.

Brian Rebman stated that he felt that in section 30, item 2 should change privacy to dignity.

Peter Shaw, Board Inspector stated he often sees bodies partially covered or not covered at all, and felt that this section was important.

**Dr. Randy Sharp moved to keep section 30 and 31 as written with the exception of changing the word “privacy” to “dignity.” Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

Jennifer Kandt stated that the section requiring a licensed funeral director to sign death certificates was already required pursuant to NRS 440, so there was no need for the regulation.

There was discussion regarding requiring a licensed embalmer to remove a pacemaker, and Lorretta Guazzini said that she thought that it was already decided that it would have to be removed by an embalmer. There was discussion that ultimately the Board ended up voting to remove that provision.

Joe Eckert stated that he felt removal of a pacemaker should only be done by a licensed embalmer. He said that he opposed this deletion and feels that it should go back in.

Bart Burton stated that under section 34(a)–(e) that he had a problem with a direct cremation provider not having the same opportunity to provide the family with final rights. He said that he felt direct cremation providers should be allowed to provide rites and provide facilities. He also stated that he felt that they should be able to arrange for an identification viewing at a full service funeral establishment and he said he disagreed with the obituary restriction.

Jennifer Kandt stated that it sounded like Bart Burton was in favor of removing sections 34(a) and (b); keeping (c) and (d) and modifying (e) to clarify that the identification viewing can be arranged and take place at a full service location. And lastly taking out section 3 regarding the obituaries.

Brian Rebman said he agreed that he did not like the wording in (e) and that clarification would be helpful.

There was discussion that (e) should state that the direct cremation facilities are unable to provide for viewing at their location, but can arrange one with a full service provider.

Loretta Guazzini stated that the direct cremation facilities are limited in what they can do, and that is why there is a separate license. She stated that they are only supposed to arrange direct cremations and nothing else.

Jim Lee of Hites said he is in favor of leaving all items in. He said he has concerns that a direct cremation facility is trying to be a full service funeral establishment when they are not licensed for that purpose.

There was discussion regarding the obituary restrictions and questions regarding how that would be protecting the public.

There was discussion regarding the advertising of direct cremation facilities under section 34(2).

Joe Eckart said he supports the advertising section and thinks it is a matter for the direct cremation facility appropriately wording advertisements, for instance, stating, "cremation arrangements provided by XYZ cremation"

**Bart Burton moved to approve 32, 33, 34 with removing 34(1)(a), 34(1)(b), and 34(3), and clarifying 34(1)(e) to state that the direct cremation facility may arrange for an identification viewing at a full service funeral establishment.**

Brian asked for clarification on why section 34 (a) regarding not being able to provide rites or services should be taken out.

Bart Burton stated that the direct cremation locations have managing funeral directors, so they should be able to provide rites.

**Dr. Wayne Fazzino called for a second on the motion. There was no second, so the motion failed.**

Brian Rebman stated that he felt they needed more discussion on (a).

Loretta Guazzini said that she feels that she follows the regulations for a full service funeral establishment and invested in becoming a full service establishment and that a direct cremation should stick to what they are licensed for, or they should invest in becoming a full service funeral establishment.

Warren Hardy stated that he agreed with Bart Burton regarding removing the restrictions for providing rites and ceremonies, and providing facilities.

Brian Rebman questioned what would be allowed on the general price list.

**Loretta Guazzini moved to approve sections 32-34 as written. There was no second and the motion failed.**

**Loretta Guazzini moved to accept 32-34 with the exception of changing (e) to include arranging for identification viewing at a funeral establishment and taking out section 3**

**regarding obituaries. Brian Rebman seconded the motion with Bart Burton opposing and the motion was carried.**

There was discussion regarding the requirement for a funeral establishment employ or retain on contract a licensed embalmer.

Warren Hardy wanted to be clear that this only applies to funeral establishments which offer embalming.

**Lorretta Guazzini moved to accept Section 35 language as written clarifying that this only applies to funeral establishments and not direct cremation facilities. Bart Burton seconded the motion and the motion was carried unanimously.**

The Board discussed sections 36-39.

**Lorretta Guazzini moved to accept sections 36-39 as written. Bart Burton seconded the motion and the motion was carried unanimously.**

Jennifer Kandt stated that under section 40, LCB did not like the use of minutes and wanted a mileage. She stated that how this ended up being worded was problematic and a revision would be needed. Jennifer also said that there were still some issues with the regulation requiring embalming for shipment out of state and lastly she said that it was her understanding that the Board is wanting to differentiate between initial transport to the care of the funeral home, then transportation out of state within 90 miles due to some of the neighboring locations.

Lorretta Guazzini stated that she thought it would be better if this section stated that it does not apply to the first call removal instead of the immediate transportation.

Lorretta Guazzini stated that if the body was being taken to Susanville, it could not be taken more than 90 miles unless it was in a sealed container.

Jennifer Kandt asked if the Board felt that it was an issue for bodies to be transported out of state without being in a sealed container.

Brian Rebman commented that someone cannot transport from state to state without a permit.

Joe Eckart discussed the fact that some states offer courtesy cards which allow licensees in one state to go to another state to transport.

Jennifer Kandt commented that individuals die in California and are brought into Nevada's Medical Examiner's Office and are then taken back to California. She stated that she was not sure if a permit was being issued because that person did not die in Nevada.

There was discussion on where the documents are being generated and Rick Noel commented that the documents are typically generated in the state of death.

Jennifer Kandt commented that there were two separate issues. She said that it appears that the Board does not want the section to apply to initial transport, then not apply to the transportation to a crematory or cemetery within 90 miles.

**Brian Rebman moved to approve changes and add language regarding transporting out of state within 90 miles.**

Warren Hardy stated that his concerns regarding this section are alleviated with these changes. Brian stated that number 3 should be changed to remove all of the current yellow section, and then add number 4 regarding transportation within 90 miles. Brian expressed concern that this section affects him directly and wondered if he should recuse himself.

Legal counsel advised that if he felt he should recuse himself he needed to withdraw his motion.

**Brian Rebman withdrew his motion.**

Jay Gunter stated that he felt it would be more appropriate to have limitations on hours instead of mileage. He stated that he puts bodies in pouches, but not sealed containers.

Jennifer Kandt stated that there were no limitation on the immediate transportation (first call removal).

Jay Gunter stated that his concern is that he has burials in Duckwater which is 300 miles away, so with the regulation he would need to place them in a sealed container.

The Board discussed differentiating between in state transportation and out of state transportation within 90 miles. Jennifer Kandt stated that LCB changed from minutes to miles. There was general consensus that in state transportation would not require a sealed container and of state within 90 miles would also be ok without a sealed container.

Dr. Randy Sharp questioned whether there is a problem with disease in an unembalmed body and whether it should be in a sealed container.

Joe Eckart said that he doesn't think that the language out of state needs to be in there as once they pass the state line, they are not under jurisdiction of Nevada.

Jennifer Kandt stated that the Board has jurisdiction over any person who is licensed in the state of Nevada and if they choose to transport more than 90 miles out of state without a sealed container the Board could take action. She also stated that if someone is bringing a body into Nevada, requirements could be placed upon any body coming into the state.

**Bart Burton moved to accept section 40 with clarifying that the requirement for a sealed container does not apply to the immediate transportation to the care of a funeral establishment, does not apply to the in-state transportation to the care of a funeral establishment, cemetery, or crematory, and does not apply to out of state transportation within 90 miles. Lorretta Guazzini seconded the motion and the motion was carried unanimously with Brian Rebman abstaining.**

There was discussion regarding sections 41-44.

**Bart Burton moved to approve sections 41- 44 as written. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

Jennifer Kandt stated that LCB will not be drafting the language regarding a timeframe to allow for arrangers to become licensed and for crematory operators to obtain training. She stated that LCB indicated that the Board does not have that authority to make those changes as they feel the Board would be allowing unlicensed activity. She stated that LCB indicated it would require a statutory change.

Warren Hardy stated that they would pursue legislative change and asked if the Board would support a statutory change for those items.

Dr. Wayne Fazzino stated the agenda item would need to be discussed.

Rick Hearn from Walltons indicated that they did not feel that processing the remains should be part of operating the crematory equipment since it is a separate machine, but would support the change if the manufacturers are able to provide the training.

**Dr. Randy Sharp moved to approve section 44 as written, items 1 - 4 as written, and add items 5 & 6 on a future agenda. Bart Burton seconded the motion and the motion was carried unanimously.**

- 5. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)**
  - a. December 15, 2015**

**Bart Burton moved to approve the minutes of the December 15, 2016 meeting, Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

- 6. Discussion, recommendation, and possible action regarding Consent Decrees for case numbers FB15-12 and FB15-13 (For possible action)**
  - a. Valley Cremation and Burial, Crematory License No. CRE71 – FB15-12**

**Bart Burton moved to approve the consent decree. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

- b. Valley Memorial Funeral Home, Establishment Permit No. EST71 – FB15-13**

**Bart Burton moved to approve the consent decree. Dr. Randy Sharp seconded the motion was carried unanimously.**

- c. Frank Zimmerman, Funeral Director License No. FD15 – FB15-13**

**Bart Burton moved to approve the consent decree. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

- 7. Discussion, recommendation, and possible action regarding granting the following Funeral Arranger License (For possible action) (Closed session may be held to consider character, alleged misconduct, professional competence, and physical and mental health pursuant to NRS 241.030)**
  - a. Karla Morales**

**Bart Burton moved to approve a funeral arranger license to Karla Morales. Brian Rebman seconded the motion and the motion was carried unanimously.**

- 8. Discussion, recommendation, and possible action regarding granting the following Embalmer Licenses (For possible action)**
  - a. Dale Allen Deckard**

**Bart Burton moved to approve an embalmer license to Dale Allen Deckard. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.**

- b. James Clark Graff**

**Dr. Randy Sharp moved to approve an embalmer license to James Clark Graff. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

- c. Matthew Richard Hoyle**

**Bart Burton moved to approve an embalmer license to Matthew Richard Hoyle. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.**

- d. Phuong-Giao Le**

**Brian Rebman moved to approve an embalmer license to Phuong-Giao Le. Lorretta Guazzini seconded the motion and the motion was carried unanimously with Bart Burton recusing as the applicant is an employee of the same company.**

- e. Bryan Burbank Randall**

**Bart Burton moved to approve an embalmer license to Bryan Burbank Randall. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

- f. Douglas Lee Ray**  
Application was withdrawn.



g. Coby Jones Zobell

**Bart Burton moved to approve an embalmer license to Coby Jones Zobell. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

**9. Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following (For possible action)**

a. Timothy Paul Fanelli – FitzHenry's Carson Valley Funeral Home EST58 and FitzHenry's Funeral Home EST36

**Dr. Randy Sharp moved to approve Timothy Paul Fanelli as Managing Funeral Director for FitzHenry's Carson Valley Funeral Home. Lorretta Guazzini seconded the motion and the motion was carried unanimously with Bart Burton recusing as the applicant is an employee of the same company.**

b. James A. Lee FD69 – Pahrump Family Mortuary EST56

**Bart Burton moved to approve James A Lee as Managing Funeral Director for Pahrump Family Mortuary. Lorretta Guazzini seconded the motion and the motion was carried unanimously**

c. Jaye MacPherson FD202 – Neptune Society – Las Vegas DC64L

**Lorretta Guazzini moved to approve Jaye MacPherson as Managing Funeral Director for Neptune Society-Las Vegas. Dr. Randy Sharp seconded the motion and the motion was carried unanimously with Bart Burton recusing as the applicant is an employee of the same company.**

d. Paul Noell FD903 – Mountain View Mortuary EST3

**Bart Burton moved to approve Paul Noell as Managing Funeral Director for Mountain View Mortuary. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

e. Nathan R. Stiffler FD857 – Bunker's Mortuary EST10

**Lorretta Guazzini moved to approve Nathan R. Stiffler as Managing Funeral Director for Bunker's Mortuary. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.**

**10. Discussion, recommendation, and possible action regarding granting a Direct Cremation Facility Permit to Sunrise Cremation Society – 401 Max Ct., Henderson, NV. (For possible action)**

**Bart Burton moved to approve the new permit pending inspection. The motion was seconded by Lorretta Guazzini and carried unanimously.**

**11. Discussion, recommendation, and possible action regarding authority for Executive Director to select licensing software (For possible action)**

Jennifer Kandt stated that she would like to have authority to choose a licensing software vendor provided the costs are close to the current allowed costs. She stated that she believed a new vendor could provide more services than what is currently being provided. Lorretta Guazzini asked if Jennifer Kandt was ready to take on the implementation of the new software and Jennifer Kandt indicated that even though it would be a substantial amount of work up front, ultimately it would be beneficial to the Board and to licensees.

**Lorretta Guazzini moved to give authority to the Executive Director to choose new licensing software. Bart Burton seconded the motion and the motion was carried unanimously.**

**12. Discussion, recommendation, and possible action regarding continuing education (For possible action)**

a. Dealing Effectively with Grief and Loss – One (1) Unit

**Lorretta Guazzini moved to approve one unit. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.**

**b. Funeral Professional Series – Five (5) Units**

**Lorretta Guazzini moved to approve five units. Bart Burton seconded the motion and the motion was carried unanimously.**

**13. Discussion, recommendation, and possible action regarding review of the following crematory operator certification course (For possible action)**

**a. Thermtec**

**Bart Burton moved to approve. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

**b. Matthews Cremation**

Jennifer Kandt stated that this request for Matthews would also allow for an online training that Matthews provides through a webinar.

**Bart Burton moved to approve. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

**14. Discussion, recommendation, and possible action regarding revised FY2016 Budget (For possible action)**

Jennifer Kandt requested approval of revised FY2016 budget.

**Bart Burton moved to approve the revised budget. Dr. Randy Sharp seconded the motion and the motion carried unanimously.**

**15. Financial Reports**

**a. Regulatory Fee Collection**

Jennifer Kandt presented the regulatory fee collection report.

**b. FY2016 Budget vs. Actuals**

Jennifer Kandt presented the budget vs. actuals report for FY2016.

**16. Overview of current complaint status**

Jennifer Kandt presented an overview of the current complaint status.

**17. Report from Executive Director, Jennifer Kandt**

Jennifer Kandt presented a written report.

**18. Report from Senior Deputy Attorney General**

Senior Deputy Attorney General, Henna Rasul stated that she did not have anything to report.

**19. Board member comments**

**20. Discussion regarding future agenda items and future meeting dates**

Board meeting dates were kept as follows:

Tuesday, June 7, 2016 (this date ultimately changed to June 14, 2016)

Tuesday, September 20, 2016

Tuesday, December 13, 2016

**21. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**22. Adjournment (For possible action)**

Meeting was adjourned at 4:00 p.m.





STATE OF NEVADA

## FUNERAL AND CEMETERY SERVICES BOARD

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### AGENDA ITEM 16: Approval of "Green" Burial Containers

Gerald Hitchcock previously requested that the Board review and approve "green" burial containers for burial and cremation.

Legal counsel has advised that there is no statute that gives authority to the Board for approval of burial and cremation containers; there is only authority to approve transport containers. Additionally, there are no requirements within statute for burial containers, so it appears that it would be up to each individual cemetery to make the rules and regulations regarding which types of containers they would allow for burial.

In terms of containers for cremation, the requirement would be to comply with NRS 451.670, so any container utilized would need to comply with that requirement.

## State of Nevada Funeral and Cemetery Services

## SALES BY CUSTOMER SUMMARY

July 2015 - April 2016

	JUL 2015	AUG 2015	SEP 2015	OCT 2015	NOV 2015	DEC 2015	JAN 2016	FEB 2016	MAR 2016	APR 2016
Autumn Funeral & Cremations	180.00	190.00	120.00	350.00	230.00	200.00	230.00	190.00	290.00	240.00
Bunker's Eden Vale Mortuary	650.00	500.00	540.00	630.00	620.00	940.00	740.00	920.00	880.00	530.00
Burns Funeral Home, Inc.	300.00	250.00	180.00	180.00	270.00	310.00	310.00	220.00	100.00	210.00
Final Wishes Funeral Home	160.00									
Freitas Ruprecht Funeral Home	70.00	70.00	110.00	80.00	130.00	80.00	90.00	130.00	90.00	120.00
Funeraria Casa De Paz	80.00	100.00	100.00	70.00	90.00	170.00	170.00	100.00	170.00	130.00
Gunter's Hawthorne Funeral Home	10.00	70.00	40.00	40.00	80.00	60.00	50.00	60.00	60.00	110.00
Heritage Mortuary	140.00	70.00	40.00	50.00	90.00	170.00	110.00	160.00	170.00	80.00
Hites Enterprises, Inc.	890.00	760.00	900.00	950.00	780.00	810.00	920.00	1,180.00	900.00	1,110.00
Kraft-Susman Funeral Services	220.00	390.00	150.00	280.00	280.00	310.00	360.00	400.00	410.00	380.00
La Paloma Funeral Services										
La Paloma - Longley	140.00	90.00	120.00	70.00	130.00	50.00	170.00	130.00	100.00	160.00
La Paloma - Stephanie	850.00	750.00	670.00	550.00	840.00	740.00	570.00	710.00	1,030.00	580.00
Total La Paloma Funeral Services	990.00	840.00	790.00	620.00	970.00	790.00	740.00	840.00	1,130.00	840.00
Legacy Funeral Holdings, Inc.										
Davis Funeral Home & Memorial Park										
Las Vegas Cremations	150.00	150.00	140.00	150.00	150.00	170.00	290.00	290.00	340.00	250.00
South Eastern Avenue	790.00	760.00	840.00	630.00	620.00	600.00	780.00	790.00	700.00	670.00
South Rainbow Rd (was Charleston)				100.00	170.00	130.00	280.00	180.00	130.00	70.00
Total Davis Funeral Home & Memorial Park	940.00	910.00	980.00	880.00	940.00	900.00	1,330.00	1,260.00	1,170.00	990.00
Total Legacy Funeral Holdings, Inc.	940.00	910.00	980.00	880.00	940.00	900.00	1,330.00	1,260.00	1,170.00	990.00
McDermott Funeral Home, LLC	750.00	740.00	810.00	730.00	1,000.00	900.00	710.00	760.00	920.00	830.00
Mountain View Mortuary	330.00	240.00	220.00	230.00	240.00	200.00	340.00	290.00	280.00	290.00
Mountain Vista Chapel	90.00	100.00	50.00	90.00	70.00	30.00	60.00	70.00	90.00	50.00
Pahrump Family Mortuary Group	340.00	220.00	210.00	230.00	220.00	250.00	200.00	240.00	180.00	170.00
Reno Cremation & Burial Services	60.00	140.00	170.00							
SCI										
Alderwoods (Nevada) Inc.										
Thomas and Jones - Foremaster Lane	220.00	150.00	190.00	160.00	190.00	190.00	190.00	130.00	200.00	140.00
Total Alderwoods (Nevada) Inc.	220.00	150.00	190.00	160.00	190.00	190.00	190.00	130.00	200.00	140.00
Keystone America										
FitzHenry's - Fairview	260.00	60.00	160.00	70.00	110.00	100.00	60.00	160.00	230.00	150.00
FitzHenry's - Highway 395	90.00	180.00	90.00	180.00	80.00	290.00	50.00	80.00	120.00	30.00
Total Keystone America	350.00	250.00	250.00	250.00	190.00	390.00	110.00	240.00	350.00	180.00
Neptune Management Corp.										
National Cremation Society							50.00	10.00	20.00	40.00
Neptune Society - Del Webb	450.00	600.00	650.00	600.00	600.00	680.00	820.00	670.00	590.00	610.00
Neptune Society - West Moana	340.00	260.00	290.00	330.00	330.00	360.00	320.00	260.00	400.00	310.00
Total Neptune Management Corp.	790.00	860.00	940.00	930.00	930.00	1,040.00	990.00	940.00	1,010.00	960.00
Palm Mortuaries										
Affordable Cremation - Decatur	630.00	700.00	750.00	740.00	690.00	840.00	840.00	770.00	1,020.00	1,050.00
King David - Eldorado	110.00	130.00	150.00	170.00	140.00	190.00	170.00	140.00	100.00	120.00
Palm - Boulder Hwy	200.00	310.00	250.00	250.00	220.00	230.00	390.00	360.00	330.00	360.00
Palm - Cheyenne	480.00	380.00	330.00	400.00	350.00	480.00	390.00	400.00	400.00	380.00
Palm - Downtown (N Main)	740.00	540.00	680.00	680.00	760.00	880.00	820.00	810.00	740.00	570.00
Palm - South Jones	350.00	460.00	340.00	360.00	380.00	340.00	480.00	420.00	420.00	350.00
Palm Eastern - Eastern	830.00	950.00	780.00	1,120.00	1,130.00	1,180.00	1,120.00	1,130.00	1,220.00	1,120.00
Palm Northwest - North Jones	410.00	370.00	480.00	310.00	340.00	420.00	470.00	540.00	400.00	530.00
Palm Southwest									110.00	180.00
Total Palm Mortuaries	3,750.00	3,840.00	3,740.00	4,010.00	4,010.00	4,560.00	4,680.00	4,570.00	4,740.00	4,660.00
Total SCI	5,110.00	5,100.00	5,120.00	5,350.00	5,320.00	6,180.00	5,970.00	5,880.00	6,300.00	5,940.00
Serenity Funeral Home						90.00	130.00	90.00	120.00	100.00
Serenity VII, LLC										
Desert Memorial	1,350.00	1,020.00	1,180.00	1,340.00	1,170.00	1,230.00	1,390.00	1,600.00	1,500.00	1,490.00
Sunrise Cremation & Burial Society, LLC	470.00	430.00	320.00	320.00	300.00	430.00	440.00	450.00	450.00	260.00
Total Serenity VII, LLC	1,820.00	1,450.00	1,500.00	1,660.00	1,470.00	1,660.00	1,830.00	2,050.00	1,950.00	1,750.00
Simple Cremation, Inc. -										
Henderson SE			20.00	250.00	270.00	380.00	320.00	260.00	370.00	300.00
Nevada Funeral Service	140.00	80.00	220.00	100.00	90.00	80.00	140.00	210.00	90.00	100.00
Simple Cremation, Inc. - NW (Rancho)	400.00	380.00	500.00	560.00	390.00	510.00	690.00	560.00	670.00	580.00
Simple Cremation, Inc. - Reno	360.00	320.00	220.00	290.00	190.00	280.00	240.00	250.00	440.00	370.00
Simple Cremation, Inc. - SW (Durango)	500.00	540.00	430.00	390.00	290.00	440.00	520.00	450.00	530.00	300.00
Total Simple Cremation, Inc. -	1,400.00	1,320.00	1,390.00	1,590.00	1,230.00	1,690.00	1,910.00	1,730.00	2,100.00	1,650.00
Smith E LLC										
Boulder City Family Mortuary	200.00	190.00	70.00	180.00	230.00	330.00	240.00	240.00	220.00	180.00
Smith Family Funeral Home	170.00	130.00	210.00	180.00	140.00	230.00	170.00	300.00	140.00	230.00
Total Smith E LLC	370.00	320.00	280.00	370.00	370.00	560.00	410.00	540.00	360.00	410.00
Sonoma Funeral Home	60.00	100.00	100.00	100.00	90.00	40.00	50.00	60.00	90.00	70.00
Southern Nevada Funeral Services, LLC										
Lee Funeral Home	130.00	80.00	100.00	190.00	120.00	120.00	100.00	110.00	150.00	230.00
Total Southern Nevada Funeral Services, LLC	130.00	80.00	100.00	190.00	120.00	120.00	100.00	110.00	150.00	230.00
Southern Nevada Mortuary, LLC	50.00	20.00	0.00	30.00	10.00	40.00	50.00	30.00	70.00	50.00
Star Mortuary (Funeral Smith)	0.00	0.00	0.00	0.00	0.00	0.00	30.00	30.00	0.00	10.00
The Funeral Directors Management Group										

	JUL 2015	AUG 2015	SEP 2015	OCT 2015	NOV 2015	DEC 2015	JAN 2016	FEB 2016	MAR 2016	APR 2016
Moapa Valley & Virgin Valley Mortuaries	220.00	180.00	170.00	140.00	130.00	130.00	130.00	280.00	230.00	170.00
Total The Funeral Directors Management Group	220.00	180.00	170.00	140.00	130.00	130.00	130.00	280.00	230.00	170.00
The Gardens, LLC	90.00	200.00	110.00	170.00	110.00	140.00	220.00	100.00	110.00	70.00
Truckee Meadows Cremation & Burial Svcs	720.00	760.00	660.00	820.00	580.00	730.00	770.00	660.00	730.00	660.00
Valley Funeral Home	240.00	180.00		240.00	150.00					
Walton's Inc										
John Sparks Memorial Cremation	280.00	160.00	200.00	130.00	150.00	300.00	280.00	220.00	230.00	200.00
McCaffery Family Limited Partnership										
Ross, Burke & Knobel Mortuary - Reno	260.00	210.00	320.00	270.00	270.00	230.00	260.00	390.00	280.00	270.00
Ross, Burke & Knobel Mortuary - Sparks	20.00	20.00	30.00	30.00	0.00	0.00	0.00	10.00	180.00	10.00
Total McCaffery Family Limited Partnership	280.00	230.00	350.00	300.00	270.00	230.00	260.00	400.00	460.00	280.00
Nevada Memorial Estate Plans										
Cremation Society of Nevada - Affinity	90.00	70.00	150.00	130.00	210.00	130.00	30.00	40.00	120.00	250.00
Cremation Society of Nevada - Capitol City	130.00	160.00	150.00	110.00	390.00	180.00	200.00	190.00	170.00	270.00
Cremation Society of Nevada - Northern Nevada	60.00	120.00	80.00	90.00	100.00	110.00	120.00	200.00	90.00	90.00
Total Nevada Memorial Estate Plans	280.00	350.00	380.00	330.00	700.00	420.00	350.00	430.00	380.00	610.00
O'Brien Rogers & Crosby Funeral Home	60.00	190.00	70.00	100.00	110.00	120.00	70.00	120.00	110.00	100.00
Walton's Chapel of the Valley	240.00	280.00	210.00	150.00	190.00	320.00	360.00	230.00	240.00	270.00
Walton's Funerals and Cremations	30.00	100.00	100.00	70.00	70.00	120.00	40.00	50.00	70.00	100.00
Walton's Sierra Chapel	370.00	490.00	470.00	380.00	380.00	310.00	420.00	350.00	640.00	330.00
Walton's Sparks Funeral Home	150.00	120.00	150.00	180.00	190.00	170.00	120.00	120.00	120.00	230.00
Total Walton's Inc	1,690.00	1,920.00	1,930.00	1,640.00	2,060.00	1,890.00	1,900.00	1,920.00	2,250.00	2,120.00
TOTAL	\$16,100.00	\$17,230.00	\$16,770.00	\$17,710.00	\$17,650.00	\$19,490.00	\$19,860.00	\$20,500.00	\$21,300.00	\$19,510.00

Tuesday, Jun 07, 2016 08:46:49 AM PDT GMT-7 - Accrual Basis