

FD DRAFT RULE CHANGES BY SECTION
2011

24 FINAL DISPOSITION. ~~The final placement of the body whether it is by earth interment, above ground interment, cremation, burial at sea, or by delivery to a medical institution for lawful dissection and experimentation.~~ **FINAL DISPOSITION IS DEFINED AS EARTH INTERMENT, ABOVE GROUND ENTOMBMENT, DELIVERY DIRECTLY , OR THROUGH A LICENSED TRANSPORTATION SERVICE TO A CREMATORY FOR A CREMATION, DELIVERY DIRECTLY , OR THROUGH A LICENSED TRANSPORTATION SERVICE TO THE PROPER AGENCY FOR BURIAL AT SEA, OR DELIVERY DERECTLY, OR THROUGH A LICENSED TRANSPORTATION SERVICE TO A MEDICAL INSTITUTION FOR LAWFUL DISSECTION AND EXPERIMENTATION.**

44. MANAGER. Manager oversees the day to day operations of a licensed funeral establishment. Manager must be a current licensed funeral director and is ultimately responsible for everything that takes place in or around the funeral home or mortuary service. This would also include apprentices and other licensees that work at the establishment.

45. AUTHORITY HAVING JURISDICTION OR "AHJ". Means the individual or office in this or another state that has authority to release dead human bodies for final disposition.

RULE II LICENSEE IN CHARGE OF FUNERAL DIRECTING AND EMBALMING

1. Every funeral conducted within the State of Arkansas must be under the personal supervision, ~~and~~ direction and ~~in~~ charge of a funeral director who holds a valid license from this Board. To conduct a funeral shall require the direct personal supervision of a licensed funeral director until final disposition is completed. **IN THE CASE OF EARTH INTERMENT AND ABOVE GROUND ENTOMBMENT, THE LICENSEE SHALL BE ONSITE SUPERVISING ALL MATTERS UNTIL COMPLETION OF THE EARTH INTERMENT OR ABOVE GROUND ENTOMBMENT EXCEPT WHEN THE AUTHORIZING AGENT HAS CONTRACTED WITH THE CEMETERY, EITHER PRIVATE, COMMERCIAL OR GOVERNMENTAL, TO CARRY OUT THESE PROCEDURES. IN THOSE CASES, THE LICENSEE SHALL BE ON SITE SUPERVISING ALL MATTERS UNTIL THE CONCLUSION OF THE FUNERAL SERVICE ONLY.**

RULE IV FUNERAL ESTABLISHMENTS

1. Four types of funeral establishment licenses shall be issued by the Board. These establishment licenses shall be named as follows:

- (a) Funeral Establishment Type A-Full Service Funeral Firm.
- (b) Funeral Establishment Type B-Mortuary Service Firm
- (c) Funeral Establishment Type C-Crematory
- (d) Funeral Establishment Type D-Transport Service Firm

(1) ALL ESTABLISHMENT RENEWALS ARE DUE AND PAYABLE ON OR BEFORE DECEMBER 31. IF DECEMBER 31ST FALLS ON A WEEKEND OR HOLIDAY, RENEWALS WILL BE DUE ON THE FOLLOWING BUSINESS DAY.

2. FUNERAL ESTABLISHMENT TYPE A-FULL SERVICE FUNERAL FIRMS

(a)

(7) IF AN ESTABLISHMENT LICENSE IS REVOKED, THAT LICENSE MUST BE RETURNED TO THE BOARD OFFICE WITHIN 7 DAYS OF RECEIPT OF THE BOARD'S ORDER.

(c)

(1) Renewal of all funeral establishment licenses Type A must be made on or before ~~January 31st~~ **DECEMBER 31** of each year and must be accompanied by the annual renewal fee of one hundred and fifty (\$150.00) dollars.

(2) Licenses not renewed by ~~January 31st~~ **DECEMBER 31** of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

(d) Each funeral establishment using an available embalmer must file with the Board a statement signed by the embalmer, notarized, stating that his services are available to said establishment at all times within a reasonable time after death occurs, not to exceed six (6).

3. FUNERAL ESTABLISHMENTS TYPE B-MORTUARY SERVICE FIRMS

(a)(2)

(6) IF THE ESTABLISHMENT LICENSE IS REVOKED, THAT LICENSE MUST BE RETURNED TO THE BOARD OFFICE WITHIN 7 DAYS OF RECEIPT OF THE BOARD'S ORDER.

(2) Licenses not renewed by ~~January 31st~~ **DECEMBER 31** of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

representative.

4. FUNERAL ESTABLISHMENT TYPE C-CREMATORY

(a)5. When a crematory closes, the Board shall be notified in writing, within seven (7) days of the date of closure, and the license in force at the time shall be returned to the Board office. **IF A CREMATORY LICENSE IS REVOKED, THE LICENSE MUST BE RETURNED TO THE BOARD OFFICE WITHIN 7 DAYS OF RECEIPT OF THE BOARD'S ORDER.**

7. No cremations of the bodies of deceased persons shall be performed Except by a crematory authority holding a valid, current license issued by the Board.

8. All crematory licenses ~~issued by the Board shall expire on December 31st of each year, and~~ must be renewed on or before ~~January 31st~~ **DECEMBER 31ST** OF EACH YEAR. ~~following the date of expiration.~~ Renewal license fees, as established by the Board, must accompany each original and renewal application.

9. All renewals received after ~~January 31st~~ **DECEMBER 31ST** of each year are considered delinquent. The Board may impose delinquent fees and/or order a crematory authority that is delinquent in its renewal to cease operation until a renewal card has been issued by the Board.

Change in Rule 4, FUNERAL ESTABLISHMENT TYPE C-CREMATORY SUBPARAGRAPH A, AUTHORIZATION AND RECORD KEEPING

(1)(b) A completed and executed burial transit permit, as provided in the laws of the State of Arkansas state or territory where death occurred, indicating that the human remains are to be cremated, and

(c) A representative (Example: Office Copy) of a completed Arkansas Death Certificate or fetal death certificate, signed by the certifier, showing the cause of death and otherwise ready for filing. A death certificate or fetal death certificate or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body in the state, territory, or country where death occurred.

(d.) Cremation Final Disposition Rights Form or a representation that the authorizing agent is aware of no objection to the human remains being cremated by any person who has a right to control the disposition of the human remains; and

5. FUNERAL ESTABLISHMENT TYPE D-TRANSPORT SERVICE FIRM
LICENSURE

C.When a transport service firm is closed, the Board shall be notified, in writing, within seven (7) days of closure, and the license in force at the time of closure shall be returned to the Board office. **IF A TRANSPORT LICENSE IS REVOKED, THAT LICENSE SHALL BE RETURNED TO THE BOARD OFFICE WITHIN SEVEN (7) DAYS OF RECEIPT OF THE BOARD'S ORDER.**

E. Transport service firm licenses and renewal licenses shall be issued under this section upon application, receipt of proof of required insurance, and after approval of the Board. **All TRANSPORT LICENSES MUST BE RENEWED ON OR BEFORE DECEMBER 31ST** ~~licenses expire on~~ December 31st of each year. ~~and must be renewed by January 31st.~~

1. An application fee shall accompany each application for licensure or renewal.
2. Renewal of all transport service firm licenses must be made on or before January 31st of each year and must be accompanied by the annual renewal fee.
3. Licenses not renewed by **DECEMBER 31ST** ~~January 31st~~ of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

RULE IX LICENSE RENEWALS AND REINSTATEMENTS

1. (a) All embalmer and funeral director licenses issued by this Board shall expire on December 31st of each year, and must be renewed on or before **DECEMBER 31ST. IF DECEMBER 31ST FALLS ON A WEEKEND OR HOLIDAY, RENEWALS WILL BE DUE THE FOLLOWING BUSINESS DAY.** ~~January 31st~~ following the date of expiration.

(b) All establishment licenses expire on December 31st of each year, and must be renewed on or before **DECEMBER 31ST** ~~January 31st~~ following the date of expiration.

2. All renewals received after **DECEMBER 31ST** ~~January 31st~~ of each year are considered delinquent, and certificate holders are not allowed to practice the science of embalming or the business of funeral directing, until a renewal card has been issued for the current year. A delinquent fee of fifty (\$50.00) dollars for each three (3) months, or fraction thereof, with a maximum of two (2) years, must be remitted with a renewal fee of two (2) years, which will include the year renewed. Any person in arrears more than three (3) years must appear before the Board at a regular meeting.

RULE XIV FUNERAL SERVICE PRACTICES

1. Authorization shall be obtained from the authorizing agent who will be responsible for the post death arrangements before removal of any body from the place of death, provided, however, that removal may be made without authorization where human dignity or the avoidance of a public nuisance requires. Such removal without authorization shall be made only pending required authorization from the authorizing agent when it can be obtained. If the funeral firm **WHICH HAS CUSTODY OF THE REMAINS**, ~~to whose establishment the body was removed,~~ is not the one subsequently selected to provide the immediate post death activities **FUNERAL SERVICES**, such firm shall release the body to the **FUNERAL HOME SELECTED BY THE AUTHORIZING AGENT(S). THE RECEIVING FUNERAL HOME OR THE AUTHORIZING AGENT(S) SHALL BE RESPONSIBLE FOR THE COSTS OF SERVICES PROVIDED BY THE INITIAL FUNERAL HOME. THE COST OF THE PROVIDED SERVICES SHALL NOT EXCEED THE PRICES FOR THOSE SERVICES AS LISTED ON THE INITIAL FUNERAL HOMES GENERAL PRICE LIST. PAYMENT OF THOSE COSTS SHALL BE PAYABLE AT THE TIME OF REMOVAL.** ~~firm or individual selected by the authorizing agent; provided however, that. If the initial removal was at the request of a public official or the authorizing agent who later decided to employ another firm, costs incurred in the removal, shelter and temporary care of the body shall be paid by such public officials. or the authorizing agent. However, such payment shall not be a prerequisite to release of the body.~~

RULE XVII – INSPECTIONS

Inspector shall inspect all establishments licensed by this Board and transport service firms for their initial first inspections for a fee of \$ 250.00 . Re-inspections that are required due to change such addition of embalming prep room will result in an inspection fee of \$ 100.00 . Inspector shall inspect all establishments licensed by this board randomly throughout year during normal business hours. Inspector should be allowed to enter within a reasonable amount of time not to exceed one hour. If inspection is unsuccessful due to lack of cooperation of license holders this will result in inspection penalty fee of \$ 100.00 per hour after initial hour.