

ARTICLE 2. GENERAL PROVISIONS

Rule 1. Definitions, Fees, and Reports

832 IAC 2-1-1 Definitions

Authority: IC 25-15-9-8

Affected: IC 25-15-2

Sec. 1. The board does hereby adopt and make applicable to these rules and regulations the definitions set forth in IC 25-15-2.

“Major stockholders” shall mean those stockholders owning more than 10% of the voting stock of any corporation. (*State Board of Funeral and Cemetery Service; 832 IAC 2-1-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1366; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 2-1-2 Fees

Authority: IC 25-1-8-2; IC 25-15-9-8; IC 25-15-9-9

Affected: IC 25-15-4; IC 25-15-6

Sec. 2. (a) The fee for issuance of a funeral home license under IC 25-15-4-1(3) shall be fifty dollars (\$50) if it is issued in an odd-numbered year and twenty-five dollars (\$25) if it is issued in an even-numbered year.

(b) The fee for the issuance of a funeral director intern license under IC 25-15-4-2(a)(5) shall be twenty-five dollars (\$25).

(c) The fee for the issuance of a funeral director license under IC 25-15-4-3(b)(7) shall be fifty dollars (\$50) if it is issued in an odd-numbered year and twenty-five dollars (\$25) if it is issued in an even-numbered year.

(d) The fee for issuance of a funeral director license by reciprocity under IC 25-15-4-5 shall be two hundred dollars (\$200). This fee is payable regardless of whether the application is granted or denied.

(e) The fee to renew a funeral home license under IC 25-15-6-2 shall be fifty dollars (\$50).

(f) The fee to renew a funeral director license or embalmer license under IC 25-15-6-3 shall be fifty dollars (\$50).

(g) Five dollars (\$5) of every fee collected under subsections (a) through (c) and subsections (e) through (f) shall be deposited in the state board of funeral service education fund.

(h) All applicants for any examination administered by the board shall pay a fee of fifty dollars (\$50). The same fee shall be paid for the second and all subsequent takings of an examination.

(i) The fee for restoration of a funeral director or embalmer license within four (4) years of its expiration is established by IC 25-15-6-4(3).

(j) The additional fee (in addition to the fee under subsection (c)) for restoration of a funeral director license more than four (4) years after its expiration under IC 25-15-6-4(3) shall be thirty dollars (\$30).

(k) The additional fee (in addition to the fee under subsection (a)) for restoration of a funeral home license under IC 25-15-6-6(1) shall be fifty dollars (\$50) for each six (6) month period, or portion of a six (6) month period, that has elapsed from the date the license expired.

(l) The additional fee (in addition to the fee under subsection (b)) for restoration of a funeral director intern license shall be twenty-five dollars (\$25).

(m) The fee to be charged to a licensee for a duplicate pocket card shall be ten dollars (\$10).

(n) The fee to be charged to a licensee for a duplicate wall certificate shall be ten dollars (\$10). (*State Board of Funeral and Cemetery Service; 832 IAC 2-1-2; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1367; errata, 9 IR 1380; filed Aug 27, 1987, 2:30 p.m.: 11 IR 93; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1900; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed May 20, 1993, 5:00 p.m.: 16 IR 2422; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3100; errata filed Sep 23, 1996, 3:05 p.m.: 20 IR 333; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; filed Mar 28, 2003, 9:45 a.m.: 26 IR 2622*)

832 IAC 2-1-3 Annual report

Authority: IC 25-15-9-8

Affected: IC 25-15-8-2

Sec. 3. The annual report of all funeral home licensees is due by the 31st day of December of each calendar year for the period ending November 30 of the same year. No annual report is due during the calendar year when a funeral home is initially licensed. The completion and filing of a license renewal application shall satisfy the annual report requirement for the calendar year of renewal.

GENERAL PROVISIONS

(State Board of Funeral and Cemetery Service; 832 IAC 2-1-3; filed Jan 30, 1986, 2:23 pm: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)

832 IAC 2-1-4 Notice of changes in circumstances

Authority: IC 25-15-9-8

Affected: IC 25-15-8-2; IC 25-15-8-6

Sec. 4. All changes of address and of associations with funeral homes of embalmers and funeral directors, under IC 25-15-8-6, must be reported to the board within thirty (30) days from moving date.

A corporate funeral home licensee shall advise the board in writing of any changes in its officers, directors and major stockholders within thirty (30) days thereof and supply the addresses of the new officers, directors and shareholders in the said written notification. *(State Board of Funeral and Cemetery Service; 832 IAC 2-1-4; filed Jan 30, 1986, 2:23 pm: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 2-1-5 Notifications

Authority: IC 25-15-9-8; IC 25-15-8-2

Affected: IC 25-15-8

Sec. 5. All notifications including affidavits which licensees are required to submit to the board by terms of IC 25-15-8-2(3), IC 25-15-8-7 and IC 25-15-8-11 must be in writing, and if they are not on forms supplied by the board, they will be acknowledged by the mailing of a formal notification form which must be completed and signed by the licensee and then returned to the professional licensing agency. A notification will be invalidated and voided should the licensee fail to complete, sign and return the notification form within thirty (30) days after it is delivered to him. More than one type of notification per one licensee may be effected on one notification form. The notification will be incomplete if the duplicate license is not returned when the licensee is cancelling the registration with the board showing that he is working at or for a funeral home. *(State Board of Funeral and Cemetery Service; 832 IAC 2-1-5; filed Jan 30, 1986, 2:23 pm: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

Rule 2. Licensee Obligations

832 IAC 2-2-1 Confidential information

Authority: IC 25-15-9-8

Affected: IC 25-15-8-4

Sec. 1. A licensee shall neither discuss the confidential and private matters or secrets of the domestic life of any family he or she may be called upon to serve, nor cause the dissemination of the same in such a way as to violate the privacy of the family served. *(State Board of Funeral and Cemetery Service; 832 IAC 2-2-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 2-2-2 Cremation; burial permit required; written authority of family

Authority: IC 25-15-9-8

Affected: IC 25-15-8-1

Sec. 2. The disposal of dead human bodies by licensees shall be in strict compliance with applicable law. In the event disposition is to be cremation of any dead human body, there shall also be a burial permit obtained for and in connection with said cremation, and no licensee shall participate in, or otherwise, have any direct or indirect connection with the cremation of a dead human body without first having said burial permit and without, in addition, having written authority from a family member or executor of the decedent's estate to cremate said decedent. *(State Board of Funeral and Cemetery Service; 832 IAC 2-2-2; filed Jan 30, 1986, 2:23 pm: 9 IR 1368; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 2-2-3 Embalming rooms; embalming procedure

Authority: IC 25-15-9-8

Affected: IC 25-15-2-9; IC 25-15-2-17

Sec. 3. (a) Human remains shall not be in any way prepared for disposition by a licensee except in an approved embalming room. To be approved as an embalming room the same must meet the requirements of these rules and regulations. The room shall be located in a licensed funeral home, a school, college, or department of mortuary science engaging in proper instruction and approved for such instruction by the board, or temporary locations approved by the state board of health of Indiana, a county coroner, or a local board of health of Indiana or officer thereof.

(b) Human remains donated to the state anatomical board shall be embalmed as required by the state anatomical board.

(c) Those licensees performing the embalming procedure shall be required to utilize protective devices, such as gloves, outer protective gowns, etc., and such other means to adequately protect the licensee.

(d) A licensee must dispose of human remains in accordance with directives of the Indiana state board of health and local health officials.

(e) Nothing in this section shall be interpreted to require embalming if the next-of-kin does not authorize embalming. (*State Board of Funeral and Cemetery Service; 832 IAC 2-2-3; filed Jan 30, 1986, 2:23 pm: 9 IR 1368; filed Mar 13, 1987, 8:30 am: 10 IR 1701; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 2-2-4 Professional conduct

Authority: IC 25-15-9-8

Affected: IC 25-15-2; IC 25-15-4; IC 25-15-5; IC 25-15-6; IC 25-15-7; IC 25-15-8-2

Sec. 4. No licensee shall permit or engage in:

(1) the use of drugs or the consumption of alcohol or any other substance of similar nature that would affect the ability of a licensee to perform the duties and services for which he is licensed;

(2) refusal to promptly surrender the custody of a dead human body upon the express order of the person who is in the closest degree of consanguinity as defined by the common law;

(3) failure to secure permit for removal or burial of a dead human body prior to interment or other disposal;

(4) obtaining possession or embalming a dead human body without first being duly authorized to do so by a relative of the deceased person or a person legally entitled to authorize such possession or embalming;

(5) directing, allowing, or permitting any individual or person who is not a licensee to perform funeral services, as the same are defined in IC 25-15-2-17 to the extent not otherwise exempt under IC 25-15-2-10. This prohibition does not extend to the sale of funeral goods as defined in IC 25-15-2-14;

(6) a violation of any part of IC 25-15-2 thru and including IC 25-15-8 or any part of the regulations promulgated thereunder. (*State Board of Funeral and Cemetery Service; 832 IAC 2-2-4; filed Aug 6, 1986, 10:10 am: 9 IR 3092; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

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