

## **ARTICLE 5. LICENSURE AND OPERATION OF FUNERAL HOMES**

### **Rule 1. Licensure, Construction, and Equipment**

#### **832 IAC 5-1-1 Partnership affidavit**

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1

Sec. 1. In each case where a partnership is formed, and said partnership makes application for a funeral home license, it shall be necessary for the application to be filed with an affidavit, sworn to under oath and under the penalties for perjury, setting forth the full name and address of each person having an interest in said partnership. (*State Board of Funeral and Cemetery Service; 832 IAC 5-1-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1370; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA*)

#### **832 IAC 5-1-1.1 Funeral home requirements; inspection**

Authority: IC 25-15-9-8

Affected: IC 25-15

Sec. 1.1. (a) An applicant for a funeral home license shall comply with:

(1) IC 25-15; and

(2) this title;

before a license may be issued.

(b) Prior to the issuance of a funeral home license, the proposed funeral home shall be inspected by a representative of the board to determine compliance with requirements of applicable statutes and rules. (*State Board of Funeral and Cemetery Service; 832 IAC 5-1-1.1; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA*)

#### **832 IAC 5-1-2 Location of funeral directing business; proximity to health care facilities (Repealed)**

Sec. 2. (*Repealed by State Board of Funeral and Cemetery Service; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389*)

#### **832 IAC 5-1-2.1 Display identification**

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 2.1. The name of a funeral home shall be prominently displayed on the premises on exterior signage. (*State Board of Funeral and Cemetery Service; 832 IAC 5-1-2.1; filed Mar 13, 1987, 8:30 am: 10 IR 1702; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA*)

#### **832 IAC 5-1-3 Plumbing requirements; back-syphonage protection systems**

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 3. Each licensed funeral home must have a back-syphonage protection system in keeping with the requirements of the fire prevention and building safety commission and the requirements of local health and building codes. The system at a minimum must be:

(1) a hydro aspirator with four (4) inch approved vacuum breaker; or

(2) an electro aspirator; or

(3) water service centers with breakers in system.

(*State Board of Funeral and Cemetery Service; 832 IAC 5-1-3; filed Jan 30, 1986, 2:23 pm: 9 IR 1371; filed Mar 13, 1987, 8:30 am: 10 IR 1702; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA*)

**832 IAC 5-1-4    Embalming rooms; construction fixtures; equipment and use requirements**

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 4. (a) The issuance of a funeral home license and the continued use thereof shall depend among other things on compliance with this section, section 3 of this rule, and the Indiana Plumbing Code, 675 IAC 16.

(b) All funeral homes must be equipped with a fully functional embalming room on the premises of the funeral home. However, persons who own and operate more than one (1) funeral home in a county or adjoining counties may designate one (1) embalming room in one (1) of those funeral homes as the sole embalming room for all of its funeral homes in that county or those adjoining counties. Any funeral home which does not have an embalming room under the provisions of this subsection must notify the board in writing, as to the location of its embalming room, prior to operating a funeral home without an embalming room. In no case may the embalming room for the funeral home be located anywhere other than in the county where the funeral home is located or in an adjoining county.

(c) Each embalming room shall be equipped with a separate sink for washing hands. Hot and cold running water shall be available to the embalming table and separate sink. The embalming room must also have a working electric exhaust ventilation system vented to the outside of the building, adequate lighting, a sterilizing tray at least twenty-seven (27) inches long for the sterilization of instruments, and sufficient equipment for the injection of embalming fluid.

(d) The embalming room shall be maintained with painted (not papered) or tiled walls, and tile, linoleum, cement, or other material approved by the board, covering the entire floor.

(e) The top surface of the embalming room operating table shall be of glass, metal, porcelain, stainless steel, or other nonporous material, approved by the board.

(f) All of the openings leading from the embalming room shall have tight-fitting doors and opaque type of glass or of other substantial material screening the interior of the room at all times from the view of the public and those who need to be about the building in their different kinds of employment.

(g) The embalming room shall be used only for embalming and preparation of human remains and not for storage or any other purpose.

(h) All waste material from an embalming room shall be burned or placed and disposed of in a septic tank or underground sewer as permitted by law.

(i) The embalming room together with the balance of the funeral home facilities must be maintained in a clean and sanitary condition.

(j) Each embalming room shall have three (3) contagious communicable disease packs. These shall consist of, but not be limited to, the following:

- (1) One (1) disposable mask.
- (2) One (1) disposable head cover.
- (3) One (1) disposable smock.
- (4) One (1) pair of disposable gloves.
- (5) One (1) pair of disposable shoe covers.

*(State Board of Funeral and Cemetery Service; 832 IAC 5-1-4; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1371; filed Mar 13, 1987, 8:30 a.m.: 10 IR 1702; filed Sep 6, 1988, 2:00 p.m.: 12 IR 28; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed Jun 9, 1993, 9:00 a.m.: 16 IR 2618; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

**Rule 2.    General Operations**

**832 IAC 5-2-1    Display of license and inspection certificate**

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1; IC 25-15-8-2

Sec. 1. All licenses issued by the board including duplicate licenses required by 832 IAC 5-2-5 shall be displayed in a public area of the funeral home or facility. The most current inspection certificate given by the board shall be on display in the embalming room or main office. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1371;*

*readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

**832 IAC 5-2-2 Required employment of embalmers by unqualified funeral directors**

Authority: IC 25-15-9-8

Affected: IC 25-15-8-10

Sec. 2. A funeral home manager who has never been licensed as an embalmer in Indiana previous to July 1, 1985 unless his initial licensure as a funeral director followed said date shall have in his employ a licensed embalmer or funeral director who has either been licensed under IC 25-15 or who has been licensed as an embalmer under IC 25-15-1. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-2; filed Jan 30, 1986, 2:23 pm: 9 IR 1371; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

**832 IAC 5-2-3 Food service restrictions**

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1

Sec. 3. A funeral home licensee may not serve food other than beverages for consumption on the funeral home premises unless the sale of the food is otherwise licensed under other laws. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-3; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

**832 IAC 5-2-4 Supervised funeral service limited to licensees**

Authority: IC 25-15-9-8

Affected: IC 25-15-2-7; IC 25-15-4-3; IC 25-15-8-2; IC 25-15-8-8

Sec. 4. Each act of funeral service performed for a funeral home under the direct supervision of a funeral director must be accomplished by either a funeral director or a funeral director intern. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-4; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

**832 IAC 5-2-5 Duplicate licenses at all locations where associated**

Authority: IC 25-15-9-8

Affected: IC 25-15-8-6; IC 25-15-8-11

Sec. 5. Every practitioner must obtain a duplicate license for each funeral home where he is performing services or for which he acts as agent before he may engage in funeral services at or for the affected funeral home as a manager or in any other capacity. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-5; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

**832 IAC 5-2-6 Inspection of records**

Authority: IC 25-15-9-8

Affected: IC 25-15-8-2

Sec. 6. All funeral home licensees shall make available at their facility, upon request and for the purposes of inspection, copies of price lists in use and copies of contracts used for the provision of funeral services and merchandise in advance of need to members of the board conducting an inspection or the board's inspector. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-6; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA)*

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