

ARTICLE 5. LICENSURE AND OPERATION OF FUNERAL HOMES

Rule 1. Licensure, Construction, and Equipment

832 IAC 5-1-0.5 Licensure procedure

Authority: IC 25-15-9-8

Affected: IC 25-15-4-1; IC 25-15-9-9

Sec. 0.5. (a) Applications for funeral home licensure shall be filed with the board prior to the date the funeral home is scheduled to open for business.

(b) The board shall issue a license to any applicant the board or its designee certifies as having:

- (1) met the licensure requirements specified in this rule and IC 25-15-4;
- (2) received a satisfactory rating on an inspection under IC 25-15-9-9; and
- (3) paid the fee specified in 832 IAC 2-1-2.

(c) No funeral home shall be operated or be opened for business prior to the issuance of a funeral home license by the board for that funeral home. Violation of this section shall be grounds for denial of licensure. (*State Board of Funeral and Cemetery Service; 832 IAC 5-1-0.5; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; filed Dec 22, 2014, 3:42 p.m.: 20150121-IR-832140182FRA*)

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; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA*)

832 IAC 5-1-1.1 Inspections

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

Affected: IC 25-15

Sec. 1.1. (a) All funeral homes shall be subject to inspection by the board or its inspector at all times with or without notice. The inspection shall include the following:

- (1) The facility.
- (2) Vehicles used in the funeral business.
- (3) Grounds contiguous to the funeral home.
- (b) A funeral home shall be inspected by the board under the following circumstances:
 - (1) Prior to the issuance of a funeral home license.
 - (2) When a funeral home moves to a new location.
 - (3) When ownership of a funeral home is changed or otherwise transferred.

(c) The owner of the funeral home shall notify the board at least thirty (30) days before any of the following occur:

- (1) When a funeral home moves to a new location.
- (2) When ownership of a funeral home is changed or otherwise transferred.

(d) The board or its designee may inspect any funeral home or other facility when a complaint is made or to ensure protection of the public health, safety, and welfare. (*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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA*)

832 IAC 5-1-1.2 Records

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

Affected: IC 25-15

Sec. 1.2. (a) All funeral home licensees shall make the following records available to the board for the purposes of examination or inspection:

- (1) The certificate of authority to sell preneed services or merchandise.
- (2) A general price list.
- (3) Bylaws and rules and regulations, if any.
- (4) Preneed contracts.
- (5) Other contracts, including at-need sales and contracts for burial rights.
- (6) Preneed funeral contract consumer protection trust fund and regulatory trust fund remittances and supporting documentation.
- (7) Records of cancellation requests and refunds given.

(b) All records referenced in subsection (a) must be maintained in a secure manner so as to be readily available for inspection.

For purposes of this rule, "secure" may include one (1) or more of the following:

- (1) A vault or fireproof container with a properly certified fire resistant capability of at least one (1) hour.
- (2) A computer readable media backed up by diskette, or optical disk, or tape that is stored at an off-site location.
- (3) Microfilm backed up by a security roll stored at an off-site location.
- (4) A duplicate copy of the records referenced in this rule maintained at an off-site location and updated at least quarterly.
- (5) Any other method that would ensure the funeral home licensee can readily produce records for inspection as required under these rules.

(State Board of Funeral and Cemetery Service; 832 IAC 5-1-1.2; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA)

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; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA)*

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;
- (2) an electro aspirator;
- (3) water service centers with breakers in system; or
- (4) any other systems approved by the board.

(State Board of Funeral and Cemetery Service; 832 IAC 5-1-3; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1371; filed Mar 13, 1987, 8:30 a.m.: 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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA)

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) A funeral home 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. A funeral home without an embalming room must be a funeral home branch location. In no case may the embalming room for the funeral home branch location 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 and either one (1) wet hand sanitizer or disinfectant or one (1) dry hand sanitizer. Hot and cold running water shall be available to the embalming table and separate sink. The embalming room must also have the following:

(1) A working electric exhaust ventilation system vented to the outside of the building.

(2) Adequate lighting.

(3) A sterilizing tray long enough for the sterilization of instruments.

(4) 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, sealed concrete, 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 that screens the interior of the embalming room at all times from the view of the general public.

(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 properly disposed of as required by applicable law.

(i) The embalming room together with the balance of the funeral home facilities must be maintained in a clean and sanitary condition. *(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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA)*

Rule 2. General Operations

832 IAC 5-2-1 Display of license

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 section 5 of this rule shall be available for viewing in a public area of the funeral home or funeral home branch location. *(State Board of Funeral and Cemetery Service; 832 IAC 5-2-1; filed Jan 30, 1986, 2:23 p.m.: 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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA)

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 was not licensed as an embalmer in Indiana prior to July 1, 1985, except where initial licensure as a funeral director followed said date, shall employ a licensed embalmer or funeral director who has been licensed under IC 25-15. (*State Board of Funeral and Cemetery Service; 832 IAC 5-2-2; filed Jan 30, 1986, 2:23 p.m.: 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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA*)

832 IAC 5-2-3 Food service restrictions (Repealed)

Sec. 3. (*Repealed by State Board of Funeral and Cemetery Service; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA*)

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

Authority: IC 25-15-9-8

Affected: IC 25-15-2-17

Sec. 4. Each act of funeral services, as defined at IC 25-15-2-17, performed for a funeral home under the direct supervision of a funeral director must be performed by either a funeral director or a funeral director intern. At-need funeral arrangements must be performed by a licensed funeral director or a funeral director intern under the direct supervision of a licensed funeral director. (*State Board of Funeral and Cemetery Service; 832 IAC 5-2-4; filed Jan 30, 1986, 2:23 p.m.: 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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA*)

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. Funeral directors, funeral director interns, and embalmers must provide and make available a duplicate license for each funeral home and funeral home branch location where services in any capacity are performed. (*State Board of Funeral and Cemetery Service; 832 IAC 5-2-5; filed Jan 30, 1986, 2:23 p.m.: 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; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA*)

832 IAC 5-2-6 Inspection of records (Repealed)

Sec. 6. (*Repealed by State Board of Funeral and Cemetery Service; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA*)

*