

TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

NOTE: Originally adopted by the State Board of Embalmers and Funeral Directors. Name changed by P.L.246-1985, SECTION 28, effective July 1, 1985 as amended by P.L.48-1991, SECTION 87, effective July 1, 1991.

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Licenses; Ethics; Operation of Business Establishment

832 IAC 1-1-1 Display of license and inspection certificate (Repealed)

Sec. 1. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-2 Confidential information (Repealed)

Sec. 2. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-3 Change of address; reporting (Repealed)

Sec. 3. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-4 Cremation; burial permit required; written authority of family (Repealed)

Sec. 4. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-5 Solicitation of business; payment of commissions; prohibitions (Repealed)

Sec. 5. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-6 Licensed embalmer; full-time employment by funeral director required (Repealed)

Sec. 6. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-7 Partnerships; documentation required (Repealed)

Sec. 7. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-8 Embalming schools; approval; changes in curriculum (Repealed)

Sec. 8. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-9 Transfer or sale of license prohibited (Repealed)

Sec. 9. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-10 Location of funeral directing business; proximity to health care facilities (Repealed)

Sec. 10. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

832 IAC 1-1-11 Reexamination; additional training (Repealed)

Sec. 11. (Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)

1380)

832 IAC 1-1-12 Prohibited conduct (Repealed)

Sec. 12. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-13 Examination requirements; establishment of business after passing examination; fees (Repealed)

Sec. 13. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-14 Interest in or financial relationship to cemetery prohibited (Repealed)

Sec. 14. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-15 Reciprocal licensing (Repealed)

Sec. 15. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-16 Reciprocal embalmers license (Repealed)

Sec. 16. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-17 Reciprocal directors license (Repealed)

Sec. 17. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-18 Employment on full time basis; what constitutes (Repealed)

Sec. 18. *(Repealed by State Board of Funeral and Cemetery Service; filed Aug 22, 1980, 2:30 pm: 3 IR 1812)*

832 IAC 1-1-19 Employer's federal identification number required on all forms; failure to comply (Repealed)

Sec. 19. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-20 Plumbing requirements; back-syphonage protection; hydro-aspirators (Repealed)

Sec. 20. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-21 Statement of costs of casket and other funeral services (Repealed)

Sec. 21. *(Repealed by State Board of Funeral and Cemetery Service; filed Aug 22, 1980, 2:30 pm: 3 IR 1812)*

832 IAC 1-1-21.1 Preparation rooms; construction requirements (Repealed)

Sec. 21.1. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-22 Embalming rooms; location (Repealed)

Sec. 22. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-23 Adoption of definitions (Repealed)

Sec. 23. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-24 Funeral trust fund forms (Repealed)

Sec. 24. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-25 Funeral trust funds; copies of trust and trust contract (Repealed)

Sec. 25. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-26 Trust fund requirements (Repealed)

Sec. 26. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-27 Trust fund contract provisions (Repealed)

Sec. 27. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-28 Price increase provisions (Repealed)

Sec. 28. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

832 IAC 1-1-29 Written notification to settlor of price increase (Repealed)

Sec. 29. *(Repealed by State Board of Funeral and Cemetery Service; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; errata, 9 IR 1380)*

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

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 thirty dollars (\$30) if it is issued in an odd-numbered year and fifteen dollars (\$15) 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 fifteen dollars (\$15).

(c) The fee for the issuance of a funeral director license under IC 25-15-4-3(b)(7) shall be thirty dollars (\$30) if it is issued in an odd-numbered year and fifteen dollars (\$15) 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 one hundred dollars (\$100). 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 thirty dollars (\$30).

(f) The fee to renew a funeral director license or embalmer license under IC 25-15-6-3 shall be thirty dollars (\$30).

(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 thirty dollars (\$30). 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 25-15-6-6(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 thirty dollars (\$30) 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 [*sic.*] fee (in addition to the fee under subsection (b)) for restoration of a funeral director intern license shall be fifteen dollars (\$15).

(m) The fee to be charged to a licensee for a duplicate pocket card shall be five dollars (\$5).

(n) The fee to be charged to a licensee for a duplicate wall certificate shall be five dollars (\$5). (*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*)

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. (*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; IC 25-15-8-3

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*)

ARTICLE 3. EDUCATION, EXAMINATION AND LICENSURE

Rule 1. Schools

832 IAC 3-1-1 Approval of embalming schools; changes in curriculum

Authority: IC 25-15-9-8

Affected: IC 25-15-4-3

Sec. 1. In order for any accredited school or college or department of such accredited school or college to receive the acceptance and approval of the board so as to qualify students thereof for a license to practice funeral directing in the state of Indiana, such school, college or department shall meet all the requirements of law. Such school, college or department shall require each student to attend at least four (4) academic quarters. As a condition to any such approval, or continued approval, the said school, college, or department shall permit a board member, or members, to fully examine and inspect the facilities available for instruction, the instructors, the curriculum and the method of keeping attendance records for students.

If at any time there is a change in the curriculum of an approved school, college or department, notice of such change shall be forwarded to the board for approval in advance of such change. Any change in curriculum without the board's prior approval will result in the failure of the board to thereafter recognize said school, college or department as approved and no applications from students will be processed from any school, college or department which is not approved and in good standing with the board. (*State*

Board of Funeral and Cemetery Service; 832 IAC 3-1-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1368; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)

Rule 2. Internships and Examinations

832 IAC 3-2-1 Funeral director internships

Authority: IC 25-15-9-8

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

Sec. 1. (a) The one (1) year experience requirement for licensure as a funeral director provided for by IC 25-15-4-3(b)(6), may only be satisfied during the period of time that the applicant has been licensed as a funeral director intern.

(b) An applicant for a funeral director license shall be required to have done the following while a funeral director intern:

(1) Worked in a funeral home under the direct supervision of a funeral director for at least one thousand five hundred (1,500) hours over a period of at least one (1) year.

(2) Assisted in the embalming of at least twenty-four (24) bodies which requirement shall be met by at least six (6) embalmings per quarter during the obtaining of the required one (1) year experience.

(c) In addition to meeting the requirements contained in IC 25-15-4-2(a), an applicant for licensure as a funeral director intern must provide proof of the successful completion of an examination in the field of funeral service provided for in section 2 of this rule as a condition of licensure.

(d) Upon expiration of a funeral director intern license the holder thereof must pay the funeral director intern license fee and otherwise meet the requirements of IC 25-15-4-2 in order to qualify for an additional one (1) year license. *(State Board of Funeral and Cemetery Service; 832 IAC 3-2-1; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1368; filed Mar 13, 1987, 8:30 a.m.: 10 IR 1701; filed Oct 12, 1988, 3:55 p.m.: 12 IR 589; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1388; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 3-2-2 Recognized funeral service intern examination

Authority: IC 25-15-9-9

Affected: IC 25-15-4-2

Sec. 2. (a) An examination conducted by a person other than the board may satisfy the funeral service intern examination requirement under section 1 of this rule, provided the examination is preapproved by the board and conducted by a nationally recognized testing service that is under contract with the boards of at least three (3) other states to provide testing and grading in the field of funeral service.

(b) The examination shall consist of two (2) parts, one concerning funeral service science and the other concerning funeral service arts. To pass the examination, an individual must obtain a score of seventy-five percent (75%) or higher for the total examination. If, however, the individual scores less than seventy percent (70%) on either part of the examination, the individual will fail the examination. A score of at least seventy-five percent (75%) is required to pass a retake of either section of the examination. *(State Board of Funeral and Cemetery Service; 832 IAC 3-2-2; filed Mar 13, 1987, 8:30 a.m.: 10 IR 1701; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1901; readopted filed Oct 3, 2001, 9:50 a.m.: 25 IR 520)*

832 IAC 3-2-3 Funeral director intern case reports

Authority: IC 25-15-9-8

Affected: IC 25-15-4-3

Sec. 3. (a) Funeral director interns shall submit to the board a total of four (4) funeral director intern case reports while obtaining the one (1) year experience required by IC 25-15-4-3(b)(5) and 832 IAC 3-2-1 [section 1 of this rule]. These reports shall be submitted on a quarterly basis with the year beginning on the date of the issuance of the funeral director intern license.

(b) The reports required under subsection (a) shall be submitted no later than thirty (30) days after the end of the quarter. An applicant for a funeral director license may not obtain issuance of the license until all case reports have been submitted.

(c) Funeral director intern case reports shall be on forms provided by the board and shall include a detailed reporting of the embalmings in which the intern assisted during the quarter which the report covers and an indication of the number of times the intern has assisted or participated in the following funeral directing services during the quarter:

- (1) first call;
- (2) assisting at funerals;
- (3) preparing death notices;
- (4) arranging church services;
- (5) rosary-lodge services;
- (6) arranging the funeral cars;
- (7) preparing death certificates;
- (8) arranging for organists, soloists, or beauticians;
- (9) ship-out detail;
- (10) veterans burials;
- (11) Social Security forms;
- (12) indigent funerals;
- (13) cemetery [*sic.*] details;
- (14) assisting in sales room;
- (15) maintenance of funeral establishment and all equipment;
- (16) preparation of sales tax for each individual service; and
- (17) compliance with Federal Trade Commission rulings.

(d) The funeral director intern case reports shall be signed by the intern and the sponsoring funeral director both of whom shall provide their license numbers. (*State Board of Funeral and Cemetery Service; 832 IAC 3-2-3; filed Oct 12, 1988, 3:55 p.m.: 12 IR 589; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 3-2-4 Requirements for third and subsequent takings of funeral director license examination

Authority: IC 25-15-9-8

Affected: IC 25-15-5-3

Sec. 4. (a) Subsequent to the second failure of the funeral director examination by an applicant for a funeral director license, said applicant must complete five (5) hours of instruction in continuing education courses approved under 832 IAC 4-1 before each additional taking of the examination.

(b) The continuing education required by subsection (a) must be obtained subsequent to the immediate previous taking of the examination.

(c) The continuing education required by subsection (a) shall be in Indiana law pertaining to funeral service.

(d) Subsection (b), (c), and (d) of 832 IAC 4-2-4 [832 IAC 4-2-4(b) through 832 IAC 4-2-4(d)] shall apply to continuing education required by this section except that references to funeral directors, embalmers, or licensees shall be deemed references to the applicants for funeral director licenses described in subsection (a) of this section. (*State Board of Funeral and Cemetery Service; 832 IAC 3-2-4; filed Oct 12, 1988, 3:55 p.m.: 12 IR 590; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 3-2-5 Funeral director examination; passing score

Authority: IC 25-15-9-8

Affected: IC 25-15-4-3

Sec. 5. To pass the funeral director examination, an individual must obtain a score of seventy-five percent (75%) or higher. (*State Board of Funeral and Cemetery Service; 832 IAC 3-2-5; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1902; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

Rule 3. Licensure

832 IAC 3-3-1 Reciprocal licensing (Repealed)

Sec. 1. (*Repealed by State Board of Funeral and Cemetery Service; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389*)

832 IAC 3-3-2 Funeral director license; out of state applicants

Authority: IC 25-15-9-8

Affected: IC 25-15-4-3; IC 25-15-4-5

Sec. 2. (a) An individual who is licensed in another state with requirements that are substantially equal to those contained in IC 25-15-4-3(b), and who meets the requirements of this section shall be entitled, upon application, to be licensed as a funeral director.

(b) An individual described in subsection (a) must meet the requirements of IC 25-15-4-3(b)(1) through IC 25-15-4-3(b)(4) and IC 25-15-4-3(b)(7).

(c) An individual described in subsection (a) need not meet the requirements of IC 25-15-4-3(b)(6). The individual must take and pass the funeral director examination.

(d) An individual described in subsection (a):

(1) whose out of state license has:

(A) been revoked or suspended by the licensing authority in the other state; or

(B) expired; or

(2) has been placed on probation by the licensing authority in the other state;

shall not qualify for a funeral director license. (*State Board of Funeral and Cemetery Service; 832 IAC 3-3-2; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1388; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1902; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 3-3-3 Temporary permit exceptions

Authority: IC 25-15-9-8

Affected: IC 25-15-4

Sec. 3. (a) An individual who received a temporary permit under section 1(b) of this rule [*832 IAC 3-3-1 was repealed filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389*], shall be entitled to the issuance of a permanent funeral director license when the temporary permit expires upon application and payment of the fee in the amount that would be due for issuance of a funeral director license applied for at the time the application is filed.

(b) An individual who received a temporary permit under section 1(b) of this rule, shall meet continuing education requirements to the same extent as if he or she had received a permanent funeral director license upon issuance of the temporary permit.

(c) This section expires March 31, 1991. (*State Board of Funeral and Cemetery Service; 832 IAC 3-3-3; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 3-3-4 Substantially equal

Authority: IC 25-15-9-8

Affected: IC 25-15-4-3; IC 25-15-4-5

Sec. 4. As used in this rule and IC 25-15-4-5, "requirements that are substantially equal" refers to the experience requirements contained in IC 25-15-4-3(b)(6) as implemented in 832 IAC 3-2-1 (including both the experience and the examination). (*State Board of Funeral and Cemetery Service; 832 IAC 3-3-4; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1902; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 3-3-5 Effect of expired funeral director license

Authority: IC 25-15-9-8

Affected: IC 25-15-4

Sec. 5. An individual who held an Indiana funeral director license which has expired shall not be entitled to a license under this rule. (*State Board of Funeral and Cemetery Service; 832 IAC 3-3-5; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

ARTICLE 4. CONTINUING EDUCATION; LICENSE RESTORATION AND RENEWAL

Rule 1. Continuing Education

832 IAC 4-1-1 Continuing education requirements

Authority: IC 25-15-9-8

Affected: IC 25-15-6-3

Sec. 1. (a) Funeral directors and embalmers must complete a minimum of ten (10) hours of instruction in each two (2) year period (as defined by subsection (b)) in courses which are given by board recognized sponsors and which are individually approved by the board with all courses meeting the following criteria:

- (1) Measurements and reports must be in full hours excluding preparation time with a fifty (50) minute instruction period being equivalent to one (1) hour.
- (2) The number of hours for a specific course will be determined and announced by the sponsor.
- (3) A funeral director or embalmer who attends the same approved continuing education course more than once in the same two (2) year period is entitled to continuing education credit for that course only once.
- (4) A funeral director or embalmer shall not be entitled to any continuing education credit for a course unless he or she attends the entire course.

(b) The two (2) year periods within which funeral directors and embalmers must obtain a minimum of ten (10) hours of continuing education under subsection (a) extend from January 1 of each odd-numbered year to December 31 of each even-numbered year.

(c) Subject to the provisions of subsection (a)(3), a funeral director or embalmer who attends an approved continuing education course as an instructor in that course is entitled to continuing education credit for that course. (*State Board of Funeral and Cemetery Service; 832 IAC 4-1-1; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1369; filed Aug 27, 1987, 2:30 p.m.: 11 IR 93; filed Oct 12, 1988, 3:55 p.m.: 12 IR 590; filed Jun 18, 1990, 3:39 p.m.: 13 IR 2000; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 4-1-2 Continuing education course requirements

Authority: IC 25-15-9-8

Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 2. To qualify and be included in the continuing education minimum hour requirement, the course must be one which is formally organized, is primarily instructional, and contributes directly to professional competence in the practice of funeral service. The following criteria must be met for course qualifications:

- (1) The course is given by *[sic.]* a board recognized sponsor and is individually approved by the board. A course will not qualify unless it and its sponsor both have been approved by the board prior to the time it is conducted.
- (2) An outline of the course is prepared and distributed to attendees. The outline shall state the number of applicable continuing education hours.
- (3) The course is at least one (1) instructional hour of fifty (50) minutes in length.
- (4) The course is conducted by a qualified instructor.
- (5) A continuing education hour rating is determined by the sponsor.
- (6) The course must cover one (1) or more of the following subjects:
 - (A) Business administration.
 - (B) Religion.
 - (C) Natural sciences.
 - (D) Management services-systems, cost, budget, merger and acquisition, data processing, etc.
 - (E) Preneed services.
 - (F) Restorative art/embalming.
 - (G) Indiana law pertaining to funeral service.
 - (H) Funeral service counseling.
 - (I) Funeral service merchandising.
 - (J) Funeral customs.
 - (K) Sanitation and health control.
- (7) The course is not given during meals.

(State Board of Funeral and Cemetery Service; 832 IAC 4-1-2; filed Jan 30, 1986, 2:22 p.m.: 9 IR 1373; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1902; filed Jun 18, 1990, 3:39 p.m.: 13 IR 2000; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)

832 IAC 4-1-2.1 Continuing education credit sponsored by the board

Authority: IC 25-15-9-8

Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 2.1. Continuing education credit may be given for courses sponsored by the board where the recordkeeping requirements of 832 IAC 4-1-3 are assigned to a previously approved sponsor. *(State Board of Funeral and Cemetery Service; 832 IAC 4-1-2.1; filed Mar 13, 1987, 8:30 am: 10 IR 1701; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 4-1-3 Sponsors

Authority: IC 25-15-9-8

Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 3. (a) A sponsor of continuing education courses shall be recognized by the board upon the sponsor's application for approval, provided the sponsor meets the following requirements on a continuing basis:

(1) An accurate record of course attendance showing date, place, name of attendee, and their state board license numbers is kept.

(2) A copy of the course outline and the attendance records pertaining thereto is maintained for four (4) years following presentation of the courses by the sponsor.

(3) The sponsor shall provide, upon request, to each funeral director and embalmer who attends a course, a verification of attendance which shall state the date of the course, the subject of the course, and the number of continuing education hours.

(b) The board shall approve sponsors and their individual continuing education courses. The board reserves the right to withdraw such approval for good cause. *(State Board of Funeral and Cemetery Service; 832 IAC 4-1-3; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1369; filed Oct 12, 1988, 3:55 p.m.: 12 IR 591; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 4-1-4 Sponsor appeal rights

Authority: IC 25-15-9-8

Affected: IC 4-21.5-3-7; IC 25-15-6-3; IC 25-15-6-5

Sec. 4. In case an application for approval of a specific course or for approval as a sponsor of continuing education programs is denied by the board, the applicant has the right to review of that decision by filing a petition for review pursuant to IC 4-21.5-3-7. *(State Board of Funeral and Cemetery Service; 832 IAC 4-1-4; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1370; filed Oct 12, 1988, 3:55 p.m.: 12 IR 591; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

Rule 2. License Restoration and Renewal; Reentry into Practice

832 IAC 4-2-1 License restoration

Authority: IC 25-15-9-8

Affected: IC 25-15-6-4

Sec. 1. Licenses of embalmers and funeral directors may only be restored under IC 25-15-6-4 within four (4) years of expiration. *(State Board of Funeral and Cemetery Service; 832 IAC 4-2-1; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1370; filed May 20, 1993, 5:00 p.m.: 16 IR 2423; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236)*

832 IAC 4-2-2 Continuing education requirements for license restoration

Authority: IC 25-15-9-8

Affected: IC 25-15-6-4

Sec. 2. (a) In order to restore an expired funeral director or embalmer license under IC 25-15-6-4, the licensee must have

completed the continuing education hours required for renewal of the license at the time it expired.

(b) If more than one (1) year has passed since the expiration of the funeral director or embalmer license, the licensee shall be required to obtain five (5) additional hours of continuing education.

(c) The five (5) hours of continuing education obtained to restore an expired license under the requirements of subsection (b) may count toward the licensee's continuing education requirement for the first renewal of the restored license if they were obtained during the two (2) calendar years immediately prior to the next renewal date following restoration. (*State Board of Funeral and Cemetery Service; 832 IAC 4-2-2; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1370; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 4-2-3 Continuing education requirements for new licensees

Authority: IC 25-15-9-8

Affected: IC 25-15-6-3

Sec. 3. (a) Notwithstanding 832 IAC 4-1-1, an individual who is issued a new funeral director license in an odd-numbered year shall be required to obtain a minimum of only five (5) hours of continuing education credit during the two (2) year period then in progress.

(b) Notwithstanding 832 IAC 4-1-1, an individual who is issued a new funeral director license in an even-numbered year shall not be required to obtain any continuing education during the two (2) year period then in progress. (*State Board of Funeral and Cemetery Service; 832 IAC 4-2-3; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1370; filed Oct 12, 1988, 3:55 p.m.: 12 IR 591; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 4-2-4 Application of renewal of permit

Authority: IC 25-15-9-8

Affected: IC 25-15-6-3; IC 25-15-6-5

Sec. 4. (a) Funeral directors intending to engage in the practice of funeral directing and embalmers intending to engage in the practice of embalming must biennially renew their licenses by December 31 of each even numbered year using the form provided by the board.

(b) Each funeral director and embalmer must sign a statement in the renewal form under penalty of perjury:

(1) that the continuing education course information is substantially correct;

(2) that he attended and completed the courses listed; and

(3) that to his knowledge and belief, the courses meet the requirements of 832 IAC 4-1.

(c) The board may verify any information submitted by a funeral director or embalmer and may request the applicant submit evidence supporting the course information.

(d) It is the responsibility of each funeral director and embalmer to retain evidence to support a continuing education course taken by him until:

(1) December 31 of the first even numbered year after the completion of the two (2) year period (as defined in 832 IAC 4-1-1(b)) for which the course was taken; or

(2) until two (2) years after the course was taken;

whichever is later. The burden is on the funeral director or embalmer to prove that he has obtained hours during the period of time evidence of the same must be retained.

(e) The failure of a funeral director or embalmer to provide proof of his timely completion of the required continuing education courses results in expiration of his license. (*State Board of Funeral and Cemetery Service; 832 IAC 4-2-4; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1370; filed Oct 12, 1988, 3:55 p.m.: 12 IR 592; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236*)

832 IAC 4-2-5 Reentry following expiration of license (Repealed)

Sec. 5. (*Repealed by State Board of Funeral and Cemetery Service; filed Jan 8, 1989, 9:45 a.m.: 12 IR 1389*)

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*)

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*)

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*)

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*)

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)

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)*

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

Authority: IC 25-15-9-8

Affected: IC 25-15-1; 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*)

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*)

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*)

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*)

832 IAC 5-2-6 Inspection of records

Authority: IC 25-15-9-8

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

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*)

ARTICLE 6. FUNERAL TRUST FUNDS

Rule 1. Trust Fund Agreements; Contract Provisions

832 IAC 6-1-1 Notifications affecting pre-need contracts

Authority: IC 25-15-9-8

Affected: IC 25-15-8-5; IC 30-2

Sec. 1. When a funeral home is sold or when the pre-need contracts established under IC 30-2 which names licensees as beneficiaries are sold, the purchasing licensee is responsible to notify the settlors of all such pre-need contracts affected by the sale

advising them of the same by certified mail return receipt requested. (*State Board of Funeral and Cemetery Service; 832 IAC 6-1-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 6-1-2 Restrictions on increased pre-need contract prices

Authority: IC 25-15-9-8

Affected: IC 30-2-9

Sec. 2. If the funeral trust contract executed pursuant to IC 30-2-9 does not specifically allow for increases in the total stated price of the services, the beneficiary of the funeral trust may provide the agreed upon funeral and burial services at no greater cost than the total specified in the funeral service contract. Even if a funeral trust contract described in IC 30-2-9 includes a provision for increases in the total price of the funeral service, the beneficiary of the trust may not charge or collect any total price for the service selected by the settlor of the trust greater than that specified in the last written notification to the settlor or the settlor's guardian before the settlor's demise. (*State Board of Funeral and Cemetery Service; 832 IAC 6-1-2; filed Jan 30, 1986, 2:23 pm: 9 IR 1372; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

ARTICLE 7. PRENEED FUNERAL BURIAL SERVICES OR MERCHANDISE CONTRACTS

Rule 1. Definitions

832 IAC 7-1-1 Applicability

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 1. The definitions in this rule apply throughout this article. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-1; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-2 "Cash advance item" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 2. "Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance", "accommodation", "cash disbursement", or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include the following:

- (1) Cemetery or crematory services.
- (2) Pallbearers.
- (3) Public transportation.
- (4) Clergy honoraria.
- (5) Flowers.
- (6) Musicians or singers.
- (7) Nurses.
- (8) Obituary notices.
- (9) Gratuities.
- (10) Death certificates.
- (11) Sales tax.

(*State Board of Funeral and Cemetery Service; 832 IAC 7-1-2; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-3 "Contract" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13-4

Sec. 3. "Contract" has the meaning set forth in IC 30-2-13-4. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-3; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-4 "Contract beneficiary" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 4. "Contract beneficiary" means the person specified in a contract for prepaid services or merchandise, upon whose death, the services or merchandise shall be provided or delivered. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-4; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-5 "Delivery" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13-5

Sec. 5. "Delivery" has the meaning set forth in IC 30-2-13-5. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-5; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-6 "Preneed contract" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 6. "Preneed contract" means the same as "contract". (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-6; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-7 "Preneed services or merchandise" or "service of merchandise" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13-8

Sec. 7. "Preneed services or merchandise" or "service of merchandise" has the meaning set forth in IC 30-2-13-8. The terms do not include cash advance items or burial rights. Opening and closing fees referred to in IC 30-2-13-8(10) refer to fees for the opening and closing of grave sites. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-7; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-8 "Purchaser" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13-9

Sec. 8. "Purchaser" has the meaning set forth in IC 30-2-13-9. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-8; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2453; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-1-9 "Seller" defined

Authority: IC 25-15-9-8

Affected: IC 30-2-13-10

Sec. 9. "Seller" has the meaning set forth in IC 30-2-13-10. (*State Board of Funeral and Cemetery Service; 832 IAC 7-1-9; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2454; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

Rule 2. Contract Provisions

832 IAC 7-2-1 Preneed contract

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 1. It shall be unlawful for any seller doing business within this state to make, either directly or indirectly, by any means, a preneed contract unless it is as follows:

- (1) Made on a form that complies with this article, is written in clear, understandable language, and printed in easy-to-read type, size, and style.
- (2) Identifies, by name, address, and telephone number, the seller, purchaser, and the contract beneficiary, if other than the purchaser, and contains the seller's certificate of authority number and date of contract.
- (3) Clearly discloses that, upon payment in full, all services and merchandise subject to contract are guaranteed as to delivery, or, in the event a contract is funded through a cash installment sale or an insurance policy with a limited death benefit, delivery of services and merchandise may be reduced to the extent of funds actually received at the time delivery is to be made.
- (4) Clearly discloses that if cash advance items are funded in the preneed contract, then, at the time of delivery, funds available shall be applied by the seller to the prepaid services and merchandise and cash advance items in the same proportion as initially funded in the preneed contract.
- (5) Provides that the purchaser may terminate the contract within thirty (30) days of execution, that the contract becomes irrevocable after that time, and an acknowledgement by the purchaser that they understand the irrevocable nature of the contract.
- (6) Provides that if the particular merchandise and services specified in the contract are unavailable at the time of delivery, the seller will furnish services and merchandise similar in style and quality of material at least equal in value.
- (7) Clearly discloses the manner in which the preneed contract is to be funded, including, but not limited to, a bank trust, annuity, life insurance policy, or savings account.
- (8) Clearly discloses the purchaser's right to designate a new seller, and place of final disposition, if known.
- (9) Clearly discloses any geographic restrictions and related charges, if any.

(State Board of Funeral and Cemetery Service; 832 IAC 7-2-1; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2454; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237)

832 IAC 7-2-2 Delivery of contract

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 2. At the time the contract is entered into, the seller shall furnish the purchaser with a copy of the signed contract. *(State Board of Funeral and Cemetery Service; 832 IAC 7-2-2; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2454; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237)*

832 IAC 7-2-3 Preneed contract paid through installments

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 3. In the event a contract is funded on a cash basis, payable in installments, or with a life insurance policy, annuity, or other method which has a limited death benefit period, and the contract beneficiary dies either before the installments are paid in full or during the limited death benefit period, then the seller shall:

- (1) deliver services and merchandise equal in value to the funds available in trust or the proceeds of a life insurance policy, annuity, or other funding vehicle; or
- (2) deliver services and merchandise specified in the preneed contract, provided the purchaser, or other person, provides a financial guaranty or other consideration sufficient in value to pay the difference between the seller's retail price at time of delivery and the proceeds available from the funding mechanism employed to fund the contract.

(State Board of Funeral and Cemetery Service; 832 IAC 7-2-3; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2454; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237)

832 IAC 7-2-4 Bank trust deposits

Authority: IC 25-15-9-8

Affected: IC 30-2-13-12

Sec. 4. Cash or other property received for services or merchandise shall be deposited as required by IC 30-2-13-12. Subsequent installment payments shall be deposited by the seller within thirty (30) days of the end of the month in which payments are received. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-4; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2454; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-5 Cash advance item and sales tax collections

Authority: IC 25-15-9-8

Affected: IC 30-2-13-12

Sec. 5. All funds collected by a seller for future payment of cash advance items or sales tax shall be deposited to trust in accordance with IC 30-2-13-12 or IC 23-14-1-14 [*IC 23-14-1 was repealed by P.L.52-1997, SECTION 58, effective July 1, 1997.*] and held in trust until the time of delivery. Funds paid premiums for life insurance or annuities to fund cash advance items or sales tax shall be paid as premiums to the life insurance company. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-5; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2454; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-6 Duplicate contracts

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 6. In the event of preneed contracts providing the same or similar services or merchandise, the seller of the contract which is second in time shall, on demand of the purchaser, refund to the purchaser from trust all funds or other property paid to seller in the funding of the second contract. Seller shall execute whatever documents are necessary to effectuate such transfer or refund. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-6; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2455; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-7 Transferred contracts

Authority: IC 25-15-9-8

Affected: IC 30-2-13-13

Sec. 7. In the event a transfer fee as allowed by IC 30-2-13-13, applicable to contracts executed on or after July 1, 1991, is imposed by the transferring seller when a preneed contract is transferred from one (1) seller to a successor seller, the transfer shall not be effective until the transfer fee is paid in full. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-7; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2455; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-8 Consumer protection charges

Authority: IC 25-15-9-8

Affected: IC 30-2-13-12; IC 30-2-13-27

Sec. 8. A seller may elect to include in its sales price the cost of compliance with IC 30-2-13-27, and such charge shall not be subject to the trust requirements of IC 30-2-13-12. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-8; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2455; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-9 Consumer protection fund disclosure

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 9. A seller shall not use, employ, advertise, market, or otherwise solicit the sale of services or merchandise in such a

manner as to publicize the existence of the Preneed Consumer Protection Fund as an inducement to such sale or attempted sale of a preneed contract. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-9; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2455; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-10 Excess funds; IC 30-2-10 trust

Authority: IC 25-15-9-8

Affected: IC 30-2-10; IC 30-2-13

Sec. 10. (a) Funeral director sellers required to employ a trust for escrow authorized by IC 30-2-10 shall compute any excess or refund amount on the difference between the seller's retail price at the time of delivery and the proceeds available from the funding mechanism employed to fund the contract.

(b) This section does not apply to cemetery or third party sellers required to employ a trust or escrow authorized by IC 23-14-1-14 [*IC 23-14-1 was repealed by P.L.52-1997, SECTION 58, effective July 1, 1997.*]. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-10; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2455; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-11 Pre-Act exchange provisions

Authority: IC 25-15-9-8

Affected: IC 30-2-13

Sec. 11. Options provided by contracts executed prior to July 1, 1991, but not exercised until after July 1, 1991, take precedence over any contracts executed after July 1, 1991, for the same or similar services and merchandise. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-11; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2455; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

832 IAC 7-2-12 Requirements to make records available to board

Authority: IC 25-15-9-8

Affected: IC 30-2-13-31

Sec. 12. Each holder of a certificate of authority and each person required by IC 30-2-13 to obtain a certificate of authority shall, upon demand, provide and make available for inspection and copying any and all detailed records:

(1) required by IC 30-2-13-31; and

(2) necessary to show compliance with IC 30-2-13-31;

upon request by the board for investigative purposes. (*State Board of Funeral and Cemetery Service; 832 IAC 7-2-12; filed Jun 9, 1993, 9:00 a.m.: 16 IR 2423; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3237*)

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