

**ARKANSAS STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
PROPOSED RULES AND REGULATIONS
MARKED UP COPY**

DEFINITIONS

4. ~~**ARRANGER.** The person or persons arranging for any type of service following or in advance of a death.~~

5. **AUTHORIZING AGENT(S).** An authorizing agent(s) is a person legally entitled to ~~order the cremation of human remains. An authorizing agent shall be the next of kin of the deceased.~~ control the disposition of the remains of a deceased person, as defined by Act 402 of 2009. ~~In the absence of a next of kin, an order from a court of appropriate jurisdiction shall be obtained. In the case of indigents or any other individuals whose final disposition is the responsibility of the state, a public official charged with arranging the final disposition of the deceased, if legally authorized may serve as the authorizing agent. In the case of individuals who have donated their bodies to science, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution, if legally authorized, may serve as the authorizing agent. If the deceased has authorized their own cremation by a pre-need arrangement, then any person acting on those instructions will be considered legally authorized, unless such authorization is in conflict with the wishes of the deceased next of kin.~~

CASH ADVANCE or CASH ACCOMODATIONS. Monies paid to outside parties by the funeral director or the funeral service firm on behalf of the ~~arrangers~~ authorizing agent.

RULE IV

TYPE A-FULL SERVICE

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

(2) Licenses not renewed by ~~January~~ December 31st of any year shall be----

TYPE B-MORTUARY SERVICE

(c) (1) Renewal of all mortuary service firm licenses must be made on or before ~~January 31st~~ December 31st.of each year and must be accompanied by the annual renewal fee of one hundred and fifty (\$150.00).

(c) (2) Licenses ~~must be renewed on or before~~ not renewed by ~~January~~ December 31----

TYPE C-CREMATORY

(A) 8. All crematory licenses issued by the Board shall expire on December 31st of each year. ~~and must be renewed on or before January 31st following the date of expiration.~~

Renewal license fees, as established by the Board, must accompany each original and renewal application.

9. Licenses must be renewed on or before ~~All Renewals received after January are due by~~ December 31st of each year. ~~are considered delinquent.~~ Licenses not renewed by December 31 shall be considered delinquent and may be grounds for disciplinary action.

E-DISPOSTION OF CREMATED REMAINS

2. The authorizing agent is responsible for the disposition of the cremated remains. If after a period of ~~sixty (60)~~ ninety (90) days from the date of cremation, the----

H-PRE NEED CREMATION ARRANGEMENTS

2. a. Any person, on a pre need basis, may authorize their own cremation and disposition of their cremated remains, on a pre need cremation authorization which is executed in accordance with the provision of the Arkansas Final Disposition Rights Act, which requires the signature of the person/declarant and is witnessed by two (2) individuals. The person shall have the option of designating the crematory authority. A copy of this form shall be retained by the person/declarant and a copy sent to the crematory authority, if designated. Any person/declarant shall have the right to transfer or cancel this authorization at any time prior to their death by providing written notice to all applicable parties.

c. The provision of this section shall only be applicable if the cremation authorization is executed in accordance with The Arkansas Final Disposition Rights Act of 2009. ~~If not, in conflict with the wishes of the next of kin of the deceased.~~ the next of kin of the deceased shall have the right to choose another form of final disposition, other than cremation, at the time of the person's death, unless such change is in conflict with current Arkansas law.

TYPE D-TRANSPORT SERVICE

E. Transport service firm licenses and renewal licenses shall be issued under this section upon application, receipt of proof of required insurance, and after approval of the Board. All licenses expire on December 31st of each year. ~~and must be renewed by January 31st.~~

1. An application fee shall accompany each application for licensure or renewal.

2. Renewal of all transport service firm licenses must be made on or before ~~January 31st~~ December 31st of each year and must be accompanied by the annual renewal fee.

3. Licenses not renewed by ~~January 31st~~ December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

RULE V APPRENTICESHIP

1. Any person desiring to apprenticeship in the science of embalming in this state shall be 18 years of age, have graduated from an accredited high school or been issued a certificate of equivalency issued by the public school system or the military service, or an accredited college or university,-----

6. Any person desiring to apprentice in the business of funeral directing and or embalming with more than one firm, may do so by completing the applicable apprenticeship form(s) and statement of apprenticeship form and register with the Board office. There are no additional fees for adding an additional location.

7. Any person registered as an apprentice who desires to add additional licensees/ supervisors, may do so by having those licensees send a signed, notarized statement to the Board office indicating their willingness to serve as a supervisor.

8. Any person registered as an apprentice who desires to leave a registered location for a new location, must register the new location with the Board before starting that apprenticeship.

RULE IX LICENSE RENEWALS AND REINSTATEMENTS

1. (a) All embalmer and funeral director licenses issued by this Board shall expire on December 31st of each year, and must be renewed on or before ~~January 31st following the date of expiration.~~ December 31st.

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

2. All renewals received after ~~January~~ December 31st of each year-----

RULE XI I DISCLOSURE

Add new section:

4. Every funeral firm and/or funeral director or embalmer in the state of Arkansas shall comply with these and all other requirements of the Federal Trade Commission (FTC)

RULE XIV FUNERAL SERVICE PRACTICES

1. Authorization shall be obtained from the ~~arranger(s)~~ authorizing agent who will be responsible for the post death arrangements before removal of any body from the place of death, provided, however that removal may be made without authorization where human dignity or the avoidance of a public nuisance requires. Such removal without authorization shall be made only pending required authorization from the ~~arranger(s)~~ authorizing agent when it can be obtained. If the funeral firm, to whose establishment the body was removed, is not the one subsequently selected to provide the immediate post death activities, such firm shall release the body to the firm or individual selected by the ~~arranger(s)~~ authorizing agent; provided however, that if the initial removal was at the request of a public official or the ~~arranger(s)~~ authorizing agent, who later decided to employ another firm, cost incurred in the removal, shelter and temporary care of the body shall be paid by such public officials or the ~~arranger(s)~~ authorizing agent. However, such payment shall not be a prerequisite to release of the body.

2. When a funeral establishment has proper custody of a body, its personnel shall not proceed with any of the actual embalming procedures, when there is any indication that embalming is not desired; provided however, that washing and other public health procedures such as the closing of the orifices by placing cotton soaked in a disinfectant in such orifices until such authorization is received or refused, shall not be precluded; and further provided, that if authorization cannot be obtained or denied, from the ~~arranger(s)~~ authorizing agent within a reasonable time, then preparation of the remains by the normal

and usual method of embalming, for purpose of preservation an viewing, will be assumed to be granted.

3. The personnel of a funeral establishment whose services are desired shall make every reasonable attempt to fulfill the needs and desires of the deceased and /or the ~~arranger(s)~~authorizing agent, both as to service and merchandise, and a full disclosure of all its available services and merchandise shall be made to the ~~arranger(s)~~authorizing agent prior to selection of the casket and services.

9. When death occurs in a place other than where the funeral or other services or final disposition are to take place, and the service of two funeral firms are necessary, the funeral firm engaged at the place of death shall charge only for the professional services facilities and merchandise provided, and a representative thereof shall so notify the funeral firm to which the body will be forwarded. The receiving funeral firm shall charge only for professional services, facilities and merchandise provided by it. There shall be a duplication of charges by the forwarding and receiving funeral firms only when there is a duplication of professional services, facilities or merchandise pursuant to the request of the ~~arranger(s)~~ authorizing agent.

CONTINUING EDUCATION

DEFINITIONS

C. Dual license qualifications

Every licensee holding ~~both~~ a Funeral Director and/or Embalmers license who desires to be actively engaged in the practice of either or both arts shall submit with the annual renewal application form evidence of satisfactory completion of a program of continuing education required by the Board. A total of ~~eight (8)~~ six (6) hours is required.

II CONTINUING EDUCATION (LICENSE REQUIREMENTS AN EXEMPTIONS)

B. Except as provided in subsection (f), each licensee residing and working in the state of Arkansas shall report ~~(8)~~ (6) hours of continuing education approved by the Board. Compliance with this continuing education shall be required for a license renewal.

E. No more than four ~~(4)~~ 3 hours continuing education hours can be carried over from one licensing year to the next.

F. Continuing education requirements ~~for individuals newly licensed by examination before this Board shall be waived for the first time renewal of a license~~ are waived the first year of licensure

H. DELETE section.

III CONTINUING EDUCATION SEMINARS

B. Credit Hours Explained

(1) Except as may be allowed by the Board, a licensee shall not receive credit ~~Exceeding two hours for the annual total required hours for,~~

(a) ~~television programs, funeral merchandise and or funeral product programs or tours,~~

(b) duplicate programs taken within the previous two (2) years.

D. Sponsorship of Seminars

(a) Submit to the Board no less than ~~sixty (60)~~ thirty (30) days-----.

E. Board Sponsored Seminars

1. The Board may ~~quarterly supply each licensee with a written list~~ provide an online list of accepted ~~video, audio, tele conferences, community college and university class offering, correspondence courses and all known scheduled courses~~ programs approved by the Board that are available to licensees.....

V. RENEWALS

Prior to December 31, ~~1997~~ and each December thereafter, each licensee shall report at least ~~8 eight~~ 6 six hours.....Any hours above the ~~eight (8)~~ six (6) hours requirements-----