

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science hereby gives Notice of Intended Action to amend Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Chapter 101, “Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Chapter 102, “Continuing Education for Funeral Directors,” Chapter 103, “Disciplinary Proceedings,” and Chapter 104, “Enforcement Proceedings Against Nonlicensees,” Iowa Administrative Code.

These proposed amendments provide clarification in the licensing process; update legal citations and references to the Board’s Web site; rescind language duplicated in the Division’s chapters of rules common to all of the licensing boards; and make other changes that are technical in nature.

Interested parties were provided an opportunity to comment on the proposed amendments prior to publication of this Notice. The proposed amendments were distributed to the Iowa Funeral Directors Association (IFDA) members, the Bureau of Vital Statistics of the Iowa Department of Public Health, and the Des Moines Area Community College Mortuary Science Program.

Any interested person may make written comments on the proposed amendments no later than April 18, 2017, addressed to Susan Reynolds, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail [susan.reynolds@idph.iowa.gov](mailto:susan.reynolds@idph.iowa.gov).

A public hearing will be held on April 18, 2017, from 8 to 8:30 a.m. in Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 142D, 144C, 156 and 272C.

The following amendments are proposed.

ITEM 1. Amend rule 645—100.1(156) as follows:

**645—100.1(156) Definitions.**

“*Alternative container*” means an unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed wood, composition materials (with or without an outside covering) or like materials which prevents the leakage of body fluid.

“*Authorized person*” means that person or persons upon whom a funeral director may reasonably rely when making funeral arrangements including, but not limited to, embalming, cremation, funeral services, and the disposition of human remains pursuant to ~~2008 Iowa Acts, Senate File 473, section 10~~ Iowa Code section 144C.5.

“*Autopsy*” means the postmortem examination of a human remains.

“*Board*” means the board of mortuary science.

“*Body parts*” means appendages or other portions of the anatomy that are from a human body.

“*Burial.*” See “*Interment.*”

“*Burial transit permit*” means a legal document authorizing the removal and transportation of a human remains.

“Casket” means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic or like material and ornamented and lined with fabric.

“Cemetery” means an area designated for the final disposition of human remains.

~~“Change of ownership” means a change of controlling interest in a funeral establishment or crematory establishment.~~

“Columbarium” means a structure, room or space in a mausoleum or other building containing niches or recesses for disposition of cremated remains.

~~“Common carrier” means any carrier engaged in the business of transportation of persons or property from place to place for compensation, and who offers services to the public generally.~~

“Cremated remains” means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of any foreign matter including casket material, bridgework or eye glasses that were cremated with the human remains.

“Cremation” means the technical process, using heat and flame, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

“Cremation authorization form” means a form, completed and signed by a funeral director and authorized person, to accompany all human remains accepted for cremation.

“Cremation chamber” means the enclosed space within which the cremation takes place.

“Cremation establishment” means a place of business which any person, partnership or corporation that is licensed by the board and provides any aspect of cremation services.

“Cremation permit” means a permit issued by a medical examiner allowing cremation ~~of~~ for human remains.

“Cremation room” means the room in which the cremation chamber is located.

~~“Crematory” means any person, partnership or corporation that performs cremation.~~

“Crypt” means a chamber in a mausoleum of sufficient size to contain casketed human remains.

“Custody” means immediate charge and control exercised by a person or an authority.

“Dead body.” See “Human remains.”

“Death certificate” means a legal document containing vital statistics pertaining to the life and death of the decedent.

“Decedent.” See “Human remains.”

“Disinterment” means to remove a human remains from ~~their~~ its place of final disposition.

~~“Disinterment application” means a legal document requesting authorization from the department of public health to disinter a casketed human remains or an urn containing cremated remains from its place of final disposition.~~

“Disinterment permit” means a permit from the department of public health which allows the removal of a human remains from its original place of burial, entombment or interment for the purpose of autopsy or reburial.

~~“Disinterment application permit number” means the number assigned to a disinterment application permit by the department of public health, giving the funeral director the authority to disinter a casketed human remains or an urn containing cremated remains~~ remove a human remains from its place of final disposition.

“Embalming” means the ~~disinfecting~~ disinfection or ~~preserving~~ temporary preservation of dead human remains, entire or in part, by the use of chemical substances, fluids or gases in the body, or by the introduction of same into the body by vascular or hypodermic injections, or by surface application into or on the organs or cavities for the purpose of temporary preservation or disinfection.

“Embalming record” means a record completed by the licensed funeral director or registered intern for each body embalmed in Iowa, or otherwise prepared for disposition by the licensee. “Embalming record” includes, at a minimum, a case analysis and a detailed listing of the procedures or treatments or both performed on the deceased.

“*Entombment*” means to place a casketed body or an urn containing cremated remains in a structure such as a mausoleum, crypt, tomb or columbarium.

“*Final disposition*” means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.

~~“*First call*” means the original notification to the funeral director indicating the place of death from which the human remains are to be removed.~~

“*Funeral ceremony*” means a service commemorating the decedent.

“*Funeral director*” means a person licensed by the board to practice mortuary science.

“*Funeral establishment*” means a place of business as defined and licensed by the board devoted to providing any aspect of mortuary science.

“*Funeral rule*” means the Federal Trade Commission ~~rule~~ Funeral Rule.

“*Funeral services*” means any services which may be used to (1) care for and prepare ~~deceased~~ human remains for burial, cremation or other final disposition; and (2) arrange, supervise or conduct the funeral ceremony or final disposition of ~~deceased~~ human remains.

“*Holding facility*” means an area isolated from the general public that is designated for the temporary retention of human remains.

“*Human remains*” means a deceased human being for which a death certificate or fetal death certificate is required.

“*Interment*” means to place a casketed human remains or an urn containing cremated remains in the ground.

“*Intern*” means a person registered by the board to practice mortuary science under the direct supervision of a preceptor certified by the board ~~pursuant to 645—~~subrule 101.5(2).

“*Mausoleum*” means an aboveground structure designed for entombment of human remains.

“*Medical examiner*” means a public official whose primary function is to investigate and determine the cause of death when death may be thought to be from other than natural causes.

“*Memorial ceremony*” means a service commemorating the decedent.

“*Niche*” means a recess or space in a columbarium or mausoleum used for placement of cremated human remains.

~~“*Outer burial container*” means any container which is designed for placement in the ground around a casket or an urn including, but not limited to, containers commonly known as burial vaults, urn vaults, grave boxes, grave liners, and lawn crypts.~~

“*Preparation room*” means a room in a funeral establishment where human remains are prepared, sanitized, embalmed or held for ceremonies and final disposition.

“*Pulverization*” means a process following cremation which reduces identifiable bone fragments into granulated particles.

“*Removal*” means the act of taking a human remains from the place of death or place where a human remains is being held; to a funeral establishment or other designated place.

“*Scattering area*” means a designated area where cremated remains may be commingled with other cremated remains.

“*Temporary ~~cremated remains~~ cremation container*” means a durable receptacle designed for short-term retention of cremated remains.

“*Their own dead*” refers to the legal authority the authorized person has regarding a human remains.

“*Topical disinfection*” means the direct application of chemical substances on the surface of a human remains for the purpose of temporary preservation or disinfection.

“*Transfer.*” See “*Removal.*”

“*Universal precautions*” means a concept of care based upon the assumption that all blood and body fluids, and materials that have come into contact with blood or body fluids, are potentially infectious as prescribed by the Centers for Disease Control (CDC).

“*Urn*” means a receptacle designed for permanent retention of cremated remains.

ITEM 2. Amend subrule 100.2(1) as follows:

**100.2(1)** Practices requiring a funeral director’s license include but are not limited to:

- a. Removal as specified in rule 645—100.4(142,156).
- b. Embalming ~~deceased human beings~~ remains as specified in rule 645—100.6(156) and completing embalming records as specified in paragraph 100.11(2)“d.”
- c. Conducting funeral arrangements as specified in subrule 100.7(2).
- d. Conducting funeral services when contracted to do so, including:
  - (1) Direct supervision of visitation and viewing.
  - (2) Funeral and memorial ceremonies.
  - (3) Committal and final disposition services.
- e. ~~Cremation~~ Conducting cremation services as specified in rule 645—100.10(156).
- f. Signing death certificates and performing associated duties under Iowa Code chapter 144.

ITEM 3. Amend rule 645—100.3(156) as follows:

**645—100.3(156) Permanent identification tag.**

**100.3(1)** The funeral director who assumes possession of ~~the~~ a human remains shall attach a permanent identification tag.

**100.3(2)** The identification tag shall initially contain, at a minimum, the name of the deceased.

**100.3(3)** Before final disposition, the identification tag shall contain the name of the deceased; and the date of birth, date of death and social security number of the deceased and the name and license number of the funeral home establishment in charge of disposition.

**100.3(4)** The identification tag shall be attached to the human remains throughout the entire time the ~~body is human remains are~~ are in the possession of the funeral ~~home~~ establishment and shall remain with the human remains.

ITEM 4. Amend rule 645—100.4(142,156) as follows:

**645—100.4(142,156) Removal and transfer of dead human remains and fetuses.**

**100.4(1)** Removal and transfer of ~~dead~~ human remains. The funeral director shall perform the following duties upon notification of a death.

a. Comply with jurisdictional authority, with respect to ~~medico-legal~~ medicolegal responsibilities, regarding the removal of the human remains.

b. Provide signature and license number when removing a ~~dead~~ human remains from a hospital, nursing establishment or any other institution involved with the care of the public.

**100.4(2)** After the funeral director has assumed custody of the human remains, the funeral director may delegate the task of transferring the ~~dead~~ human remains to an unlicensed employee or agent. Prior to transfer, the funeral director shall topically disinfect the body, secure all body orifices to retain all secretions, place the human remains in a leakproof container for transfer that will control odor and prevent the leakage of body fluids, and issue a burial transit permit.

**100.4(3)** A funeral director may delegate the transportation of unembalmed human remains to an unlicensed employee or agent of the funeral ~~home~~ establishment without first assuming custody and without topically disinfecting or securing body orifices if all of the following are true:

a. The transportation is to or from the medical examiner’s office, or otherwise at the direction of the medical examiner;

b. The remains are placed in a leakproof container by medical examiner personnel; and

c. The employee or agent is issued a burial transit permit or other evidence of authorization.

**100.4(4)** An unlicensed employee or agent referred to in subrules 100.4(2) and 100.4(3) shall have completed the annual OSHA training related to blood-borne pathogens.

ITEM 5. Amend rule 645—100.5(135,144) as follows:

**645—100.5(135,144) Burial transit permits.** A licensed funeral director may issue a burial transit permit for the removal and transfer of ~~dead~~ human remains and such burial transit permit shall be issued in accordance with state law and the administrative rules promulgated by the department of public health regarding burial transit permits.

ITEM 6. Amend rule 645—100.6(156) as follows:

**645—100.6(156) Preparation Preparation and embalming activities.**

**100.6(1)** The funeral director shall perform the following duties prior to and during embalming according to commonly accepted industry standards.

*a.* ~~Permission for embalming. The funeral director shall obtain~~ Obtain authorization for embalming from an authorized person. If permission to embalm cannot be obtained from the authorized person, the funeral director may proceed with the embalming if necessary to comply with subrule 100.6(3).

*b.* ~~Embalming shall be done~~ Embaln entirely in private. No one except the funeral director, intern, immediate family, or student shall be allowed in the preparation room without the written permission of the authorized person. A student must be under the direct physical supervision of the funeral director and currently enrolled and attending a program of mortuary science which is recognized by the board to be allowed in the preparation room without written permission during the embalming ~~without written permission~~.

*c.* ~~The human remains shall be properly covered~~ Keep the human remains properly covered at all times.

*d.* Conduct a preembalming case analysis of the human remains. Recognize the potential chemical effects on the body and select the proper embalming chemicals based upon the analysis.

*e.* Position the human remains on the preparation table and pose the facial features.

*f.* Select points of drainage and injection, and raise the necessary vessels.

*g.* ~~Embalming shall include~~ Embaln by arterial and cavity injection of embalming chemicals. If the condition of the human remains does not allow arterial and cavity injection of embalming chemicals, topical embalming, using appropriate chemicals and procedures, shall be performed.

*h.* ~~Once the arterial and cavity injection of the embalming chemicals is complete, evaluate~~ Evaluate the distribution of the embalming chemicals and perform treatment for discoloration, vascular difficulties, decomposition, dehydration, purge and close any incisions once the arterial and cavity injection of the embalming chemicals is complete.

**100.6(2)** Postembalming activities. The funeral director shall perform the following duties at the conclusion of the embalming activities if necessary.

*a.* Pack or otherwise secure all body orifices with material which will absorb and retain all secretions.

*b.* Apply chemicals topically and perform hypodermic treatments.

*c.* Bathe, disinfect and reposition the human remains.

*d.* Clean and disinfect the embalming instruments, equipment and preparation room.

*e.* Perform any restorative treatments.

*f.* Select and apply the appropriate cosmetic treatments.

*g.* Prepare the human remains for viewing.

**100.6(3)** Care of the unembalmed human remains.

*a.* Embalming may be omitted provided that interment or cremation is performed within 72 hours after death or within 24 hours of taking custody if ~~the a~~ a human remains ~~were~~ was previously in the custody of others, whichever is longer.

*b.* If refrigeration is utilized, embalming or final disposition may be extended up to 72 hours longer than the maximum period provided in paragraph 100.6(3) "a." The body must be kept between 38 and 42 degrees Fahrenheit.

*c.* If viewing of the unembalmed human remains is requested, the human remains shall be topically disinfected and all body orifices shall be packed or otherwise secured with material which will absorb and retain all secretions.

ITEM 7. Amend paragraph **100.7(2)"b,"** introductory paragraph, as follows:

*b.* Present, discuss and explain the mandated ~~Federal Trade Commission~~ FTC price lists and assist or provide the consumer with:

ITEM 8. Amend rule 645—100.8(142,156) as follows:

**645—100.8(142,156) Unclaimed dead human remains for scientific use.**

**100.8(1)** A human remains is unclaimed when:

- a. The decedent did not express a desire to be interred, entombed or cremated.
- b. Relatives or friends of the decedent did not request that the decedent's human remains be interred, entombed or cremated.

**100.8(2)** Friend distinguished from casual acquaintance. A friend shall be distinguished from a casual acquaintance by the friend's having been closely associated with the decedent during the decedent's lifetime.

**100.8(3)** Delivery of human remains for scientific purposes. The funeral director, the medical examiner or managing officer of a public health institution, hospital, county home, penitentiary or reformatory shall notify the state Iowa department of public health as soon as any unclaimed human remains, which ~~are unclaimed and~~ may be suitable for scientific purposes, shall come into ~~their~~ the person's custody.

**100.8(4)** Department instructions. When the department of public health receives notice, the funeral director shall be instructed as to the proper disposition of ~~the~~ a human remains.

**100.8(5)** Expenses incurred by funeral director. The expenses incurred by the funeral director for the transportation of ~~the~~ a human remains to a medical college shall be paid by the medical college receiving the human remains.

ITEM 9. Amend rule 645—100.9(144) as follows:

**645—100.9(144) Disinterments.** A funeral director in charge of a disinterment shall ensure that the disinterment is performed in accordance with rules promulgated by the Iowa department of public health and shall first secure a disinterment ~~application~~ permit issued by the Iowa department of public health.

~~1-~~ **100.9(1)** No person shall disinter a human remains or cremated remains unless the funeral director, in charge of the disinterment, has a numbered disinterment ~~application~~ permit which has been issued by the department of public health or by an order of the district court of the county in which the human remains or cremated remains are interred or entombed.

~~2-~~ **100.9(2)** All disinterment ~~applications~~ permits shall be requested and provided by the department of public health.

~~3-~~ **100.9(3)** All disinterment ~~applications~~ permits shall be signed by the authorizing person.

~~4-~~ **100.9(4)** Disinterment ~~applications~~ permits shall be furnished upon request from the department of public health and will remain valid for 30 days after issuance.

~~5-~~ **100.9(5)** Disinterment ~~numbers~~ permits will only be issued to the funeral director, and the disinterment must be done under the direct supervision of the funeral director.

~~6-~~ **100.9(6)** Disinterment ~~applications and numbers~~ permits shall be required for any relocation of a human remains or cremated remains from the original site of interment or entombment.

~~7-~~ **100.9(7)** No disinterment ~~application or number~~ permit is necessary to remove a human remains or cremated remains from a holding facility for interment or entombment in the same cemetery where being temporarily held.

**100.9(8)** A funeral director may await a court order before proceeding with disinterment if the funeral director is aware of a dispute among:

a. Persons who are members of the same class of persons described in 641—subrule 97.14(4) as having authority to control the human remains; or

b. Persons who are authorized pursuant to 641—subrule 97.14(4) and the executor named in the decedent's will or personal representative appointed by the court.

ITEM 10. Amend rule 645—100.10(156) as follows:

**645—100.10(156) Cremation of human remains and fetuses.**

**100.10(1)** *Record keeping.*

- a. Delivery receipt.

(1) When a human remains is delivered to a crematory cremation establishment, the crematory cremation establishment shall furnish to the delivery person a delivery receipt containing:

(1) 1. The name, address, age, gender, and cause of death of the decedent whose human remains that are delivered to the crematory cremation establishment.

(2) 2. The date and time of delivery and the type of container that contains the human remains.

(3) 3. If applicable, the name of the funeral director who sent the human remains and the name and license number of the funeral director's associated funeral establishment.

(4) 4. The signature of the person who delivered the human remains.

(5) 5. The signature of the person receiving the human remains on behalf of the crematory cremation establishment.

(6) 6. The name and business address of the crematory cremation establishment.

(2) The crematory cremation establishment shall retain a copy of ~~this~~ the delivery receipt in its permanent records.

b. Receiving receipt.

(1) The crematory authority cremation establishment shall furnish to any person who receives the cremated remains from the crematory cremation establishment a receiving receipt containing:

(1) 1. The name of the decedent whose cremated remains are released from the crematory cremation establishment.

(2) 2. The date and time when the cremated remains were released from the crematory cremation establishment.

(3) 3. The name of the person to whom the cremated remains are released and the name and license number of the funeral establishment, cemetery, family or other person or entity with which ~~they~~ are that person is affiliated.

(4) 4. The signature of the person who receives the cremated remains.

(5) 5. The signature of the person who released the cremated remains on behalf of the crematory cremation establishment.

(6) 6. The name of the crematory cremation establishment operator and the date and time of the cremation.

(2) The crematory cremation establishment shall retain a copy of ~~this~~ the receiving receipt in its permanent records.

c. Permanent record. A crematory cremation establishment shall maintain at its place of business a permanent record that includes the following:

(1) Name of the deceased person.

(2) Date and time of the cremation.

(3) Copies of the delivery receipt and the receiving receipt.

(4) Disposition of the cremated remains.

(5) Cremation authorization.

(6) ~~Permit for cremation from a medical examiner~~ Cremation permit if required in the jurisdiction of death.

**100.10(2)** *Employment of a funeral director by a crematory cremation establishment.* No aspect of these rules shall be construed to require a funeral director to supervise or perform any functions at a crematory cremation establishment not otherwise required by law to be performed by a funeral director. The crematory cremation establishment shall contract only with a licensed funeral establishment and shall not contract directly with the general public.

**100.10(3)** *Authorizing person and preneed cremation arrangements.* The authorized person has legal authority and may make decisions regarding the final disposition of the decedent.

**100.10(4)** *Authorization to cremate.*

a. The crematory cremation establishment shall have the authority to cremate human remains upon the receipt of the following:

(1) Cremation authorization form signed by the authorizing person. The cremation authorization form shall contain the following:

1. The name, address, age and gender of the decedent whose human remains are to be cremated.

2. The date, time of death and cause of death of the decedent.
3. The name and license number of the funeral establishment and of the funeral director who obtained the cremation authorization form signed by the authorizing person.
4. The signature of the funeral director.
5. The name and address of the ~~erematory~~ cremation establishment authorized to cremate ~~the a~~ human remains.
6. The name and signature of the authorizing person granting permission to cremate the human remains and the authorizing person's relationship to the decedent.
7. A representation that the authorizing person has the right to authorize the cremation of the decedent in accordance with this rule.
8. A representation that in the event there is another person who has superior priority right to that of the authorizing person, the authorizing person has made all reasonable efforts to contact that person and has no reason to believe that the person would object to the cremation of the decedent.
9. A representation that ~~the a~~ human remains ~~do~~ does not contain any material or implants that may be potentially hazardous to equipment or persons performing the cremation.
10. A representation that the authorizing person has made a positive identification of the decedent or, if the authorizing person is unavailable or declines, there are alternative means of positive identification.
11. The name of the person, funeral establishment or funeral establishment's designee to which the cremated remains are to be released.
12. The manner of the final disposition of the cremated remains.
13. A listing of all items of value and instructions for their disposition.

(2) ~~Permit for cremation from a medical examiner~~ The cremation permit if required in the jurisdiction of death.

(3) Any other documentation required by this state.

b. If the authorizing person is not available to execute the cremation authorization form in person, the funeral director may accept written authorization by facsimile, E-mail, or such alternative written or electronic means the funeral director reasonably believes to be reliable and credible.

c. The authorizing person may revoke the authorization and instruct the funeral director or funeral establishment to cancel the cremation. The ~~erematory~~ cremation establishment shall honor any instructions from a funeral director or funeral establishment under this rule if the ~~erematory~~ cremation establishment receives instructions prior to beginning the cremation.

**100.10(5) Cremation procedures.**

a. A ~~erematory~~ cremation establishment shall cremate human remains within 24 hours of issuance of the delivery receipt as defined in subrule 100.10(1).

b. No ~~erematory~~ cremation establishment shall cremate human remains when it has actual knowledge that the human remains contain a pacemaker or have any other implants or materials which will present a health hazard to those performing the cremation and processing and pulverizing the cremated remains.

c. No ~~erematory~~ cremation establishment shall refuse to accept human remains for cremation because such human remains are not embalmed.

d. Whenever a ~~erematory~~ cremation establishment is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the ~~erematory~~ cremation establishment shall place the human remains in a holding facility in accordance with the ~~erematory~~ cremation establishment rules and regulations and within the parameters of rules 645—100.5(135,144) and 645—100.6(156).

e. No ~~erematory~~ cremation establishment shall accept human remains unless they are delivered to the ~~erematory~~ cremation establishment in a container which prevents the leakage of body fluids.

f. Under no circumstances shall an alternative container or casket be opened at the cremation establishment except to facilitate proper cremation.

g. The container in which ~~the a~~ human remains ~~are~~ is delivered to the ~~erematory~~ cremation establishment shall be cremated with the human remains or safely destroyed.



*h.* The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorized person, is prohibited. Nothing in this rule, however, shall prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory cremation establishment from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

*i.* No unauthorized person shall be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

*j.* A crematory cremation establishment shall not allow removal of any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorizing person and written instructions for the delivery of these items to the authorizing person.

*k.* Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

*l.* If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains shall be returned to the authorizing person or this person's designee in a separate container. The crematory cremation establishment shall not return to an authorized person or this person's designee more or less cremated remains than were removed from the cremation chamber.

*m.* A crematory cremation establishment shall not knowingly represent to an authorized person or this person's designee that a temporary cremation container or urn contains the cremated remains of a specific decedent when it does not.

*n.* Cremated remains shall be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery.

*o.* A crematory cremation establishment shall maintain an identification system that shall ensure the identity of human remains in ~~its~~ the cremation establishment's possession throughout all phases of the cremation process. A noncombustible tag or disc that includes the name and license number of the crematory cremation establishment and the city and state where the crematory cremation establishment is located shall be attached to the plastic bag with the cremated remains or placed in amongst the cremated remains.

**100.10(6) *Disposition of cremated remains.*** If responsible, the funeral director shall supervise the final disposition of the cremated remains as follows:

*a.* Cremated remains may be disposed of by placing them in a grave, crypt, or niche; or by scattering them in a scattering area as defined in these rules; or they may remain in the personal care and custody of the authorized person. After supervising the transfer of cremated remains to the authorized person or place of final disposition, the funeral director shall be discharged.

*b.* Upon the completion of the cremation process, the crematory cremation establishment shall release the cremated remains to the funeral establishment or the authorized person or the authorized person's designee. Upon the receipt of the cremated remains, the individual receiving them may transport them in any manner in this state without a burial transit permit and may dispose of them in accordance with this rule. After releasing the cremated remains, the crematory cremation establishment shall be discharged from any legal obligation or liability concerning the cremated remains.

*c.* If, after a period of 60 days from the date of the cremation, the authorizing person or designee has not instructed the funeral director to arrange for the final disposition of the cremated remains, the funeral director may dispose of the cremated remains in any manner permitted by this rule. The funeral establishment, however, shall keep a permanent record identifying the site of final disposition. The authorizing person shall be responsible for reimbursing the funeral establishment for all reasonable expenses incurred in disposing of the cremated remains. Any entity that was in possession of cremated remains prior to the effective date of these rules may dispose of them in accordance with this rule.

*d.* Except with the express written permission of the authorizing person, no funeral director or cremation establishment shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains in an area located in a cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary cremation container or urn.

**100.10(7) Scope of rules.** These rules shall be construed and interpreted as a comprehensive cremation statute, and the provisions of these rules shall take precedence over any existing laws containing provisions applicable to cremation, but that do not specifically or comprehensively address cremation.

~~**100.10(8) Establishment rule.** Rescinded IAB 4/2/03, effective 5/7/03.~~

ITEM 11. Amend subrule 100.11(1) as follows:

**100.11(1)** At a minimum, the following information, if applicable, relating to each human remains which enters the custody of the establishment/licensee shall be maintained as the permanent record of licensed activity:

- a. Name of the deceased;
- b. Date, time, and place of death (institution or other place, city, state, zip);
- c. Name and address of the person or funeral establishment to whom ~~the dead body or fetus a~~ human remains is released;
- d. Date and from whom the funeral director assumed custody, including the name of the institution or other place of death releasing ~~the dead human body or fetus a~~ human remains;
- e. Date, time, and name of the licensed funeral director or registered intern completing embalming or other preparation for final disposition;
- f. Date, place and method of final disposition of ~~the dead body or fetus a~~ human remains.

ITEM 12. Amend rule ~~645—101.1(156)~~, definition of “Reactivate,” as follows:

~~“Reactivate” or “reactivation” means the process as outlined in rule 645—101.18(17A,147,272C) 645—101.11(17A,147,272C) by which an inactive license is restored to active status.~~

ITEM 13. Adopt the following **new** definitions in rule ~~645—101.1(156)~~:

~~“Change of ownership” means a change of controlling interest ((1) an interest in a partnership of greater than 50 percent; or (2) greater than 50 percent of the issued and outstanding shares of a stock of a corporation) in a funeral establishment or cremation establishment.~~

~~“Full time” means a minimum of a 35-hour work week.~~

~~“Outer burial container” means any container which is designed for placement in the ground around a casket or an urn including, but not limited to, containers commonly known as burial vaults, urn vaults, grave boxes, grave liners, and lawn crypts.~~

ITEM 14. Amend rule ~~645—101.2(156)~~ as follows:

**645—101.2(156) Requirements for licensure.** ~~The following criteria shall apply to licensure:~~

**101.2(1)** The applicant shall be eligible to apply for a license to practice mortuary science by the board pursuant to subrule 101.2(2) when the applicant has completed the educational requirements and examination requirements, followed by a completed internship as prescribed below, in the following alphabetical order:

a. Educational qualifications:

(1) A minimum of 60 hours of college credit as indicated on the transcript from a regionally accredited college or university with a minimum of a 2.0 or “C” grade point average. The 60 college semester hours shall not include any technical mortuary science course; and

(2) A program in mortuary science from a school accredited by the American Board of Funeral Service Education; and

(3) A college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including, but not limited to, Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed services.

b. Examination requirements. The board shall accept a certificate of examination issued by the International Conference of Funeral Service Examining Boards, Inc., indicating a passing score on both the arts and sciences portions of the examination.

c. Internship requirements as outlined in rule 645—101.3(147,156).

~~101.2(1)~~ 101.2(2) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's Web site (~~http://www.idph.state.ia.us/licensure~~) (<http://idph.iowa.gov/Licensure/Iowa-Board-of-Mortuary-Science/Licensure>) or directly from the board office. All applications shall be sent to Board of Mortuary Science, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

~~101.2(2)~~ a. The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

~~101.2(3)~~ b. Each application shall be accompanied by the appropriate fees payable to the Board of Mortuary Science. The fees are nonrefundable.

~~101.2(4)~~ c. No application will be considered by the board until official copies of academic transcripts showing the completion of training in a college of mortuary science approved by the Iowa board of mortuary science have been sent directly from the school to the board.

~~101.2(5)~~ d. Licensees who were issued their initial licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal month two years later.

~~101.2(6)~~ e. Incomplete applications that have been on file in the board office for more than two years shall be:

~~a. (1)~~ Considered invalid and shall be destroyed; or

~~b. (2)~~ Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

101.2(3) Foreign-trained funeral directors shall:

a. Provide an equivalency evaluation of their educational credentials by International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone (310)258-9451, Web site [www.ierf.org](http://www.ierf.org), or e-mail at [info@ierf.org](mailto:info@ierf.org). The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a mortuary science program in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

d. Successfully complete a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including, but not limited to, Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.

ITEM 15. Rescind rules **645—101.3(156)** and **645—101.4(156)**.

ITEM 16. Renumber rules **645—101.5(147,156)** to **645—101.8(156)**, **645—101.10(156)**, **645—101.13(272C)** to **645—101.15(17A,147,272C)**, **645—101.18(17A,147,272C)** and **645—101.19(17A,147,272C)** as **645—101.3(147,156)** to **645—101.12(17A,147,272C)**.

ITEM 17. Amend renumbered rule 645—101.3(147,156) as follows:

**645—101.3(147,156) Internship and preceptorship.**

**101.3(1) Internship.**

a. The intern must serve a minimum of one year of internship under the direct supervision of an Iowa board-certified preceptor. The beginning and ending dates of the internship shall be indicated on the internship certificate. The intern shall engage in the practice of mortuary science only during the time indicated on the internship certificate.

b. The intern shall, during the internship, be a full-time employee with the funeral establishment at the site of internship except as provided in paragraph ~~401.5(2)“j.”~~ 101.3(2)“i.”

c. No licensed funeral director shall permit any person in the funeral director's employ or under the funeral director's supervision or control to serve an internship in funeral directing unless that person has a certificate of registration as a registered intern from the department of public health. The registration shall be posted in a conspicuous place in the intern's primary place of practice.

~~d.~~ No licensed funeral director or licensed funeral establishment shall have more than one intern funeral director for the first 100 human remains embalmed or funerals conducted per year, and with a maximum of two interns per funeral establishment.

~~e.~~ d. Registered interns shall not advertise or hold themselves out as funeral directors or use the degree F.D. or any other title or abbreviation indicating that the intern is a funeral director.

~~f.~~ e. The intern shall, during the internship, complete the requirements outlined in ~~101.5(3)~~ subrule 101.3(3), including to embalm not fewer than 25 human remains and direct or assist in the direction of not fewer than 25 funerals under the direct supervision of the certified preceptor and to submit reports on forms furnished by the department of public health. Work on the first 5 embalming cases, first 5 funeral arrangements, and first 5 funeral or memorial services must be completed in the physical presence of the preceptor. The first 12 embalming cases and the first 12 funeral case reports must be completed and submitted by the completion of the sixth month of the internship.

~~g.~~ f. Before being eligible for licensure, the intern must have filed the 25 completed embalming and funeral directing case reports and a 6-month and a 12-month evaluation form with the department of public health. These reports shall be answered in full and signed by both the intern and preceptor.

~~h.~~ g. When, for any valid reason, the board determines that the education a registered intern is receiving under the supervision of the present preceptor might be detrimental to the intern or the profession at large, the intern may be required to serve the remainder of the internship under the supervision of a licensed funeral director who is approved by the board.

~~i.~~ h. The length of an internship may be extended if the board determines that the intern requires additional time or supervision in order to meet the minimum proficiency in the practice of mortuary science.

~~j.~~ i. The board views a one-year internship completed in a consecutive 12-month period as the best training option. If an internship is interrupted, the internship must be completed within 24 months of the date it started in order to be readily accepted by the board. Internships that are not completed within 24 months shall be preapproved by the board on such terms as the board deems reasonable under the circumstances. The board may require any or all of the following:

(1) Completion of a college course or continuing education course covering mortuary science laws and rules;

(2) Additional case reports;

(3) Extension of an internship up to an additional 12 months depending on such factors as the number of months completed during the internship, length of time that has lapsed since the intern was actively involved in the internship program, and the experience attained by the intern.

~~k.~~ j. Application for change of preceptor or any other alteration must be made in writing and approval granted by the board before the status of the intern is altered.

~~l.~~ k. The intern shall complete on a form provided by the board a confidential evaluation of the preceptorship program at the end of the internship. This form shall be submitted before ~~the~~ a funeral director's director license is issued to the intern.

~~m.~~ l. The intern must be approved and licensed following a successful internship before the intern may practice mortuary science.

**101.3(2) Preceptorship.**

a. A preceptor must have completed a training course within five years prior to accepting an intern. This training course shall cover Iowa law and rule content areas, including, but not limited to, Iowa law and rules governing licensure and the practice of mortuary science and human resource issues. The training course may be counted toward the continuing education hours required for the licensure biennium in which the training course was completed.

b. Any duly Iowa-licensed funeral director who has been practicing for a minimum of five years and who has not had any formal disciplinary action within the past five years with the board of mortuary

science and has completed a preceptor training course detailed in paragraph 401.5(2) "~~a~~" 101.3(2) "a" will be eligible to be a preceptor.

~~c.~~ The preceptor shall be affiliated with a funeral establishment that has not had any formal disciplinary action within the past five years.

~~d.~~ The preceptor is required to file a progress report of the intern that has been signed by both the preceptor and the intern on a board-prescribed form. The 6-month progress report form shall be submitted to the board by the end of the sixth month. The 12-month progress report form shall be submitted to the board by the end of the twelfth month.

~~e.~~ d. The preceptor shall certify that the intern engages in the practice of mortuary science only during the time frame designated on the official intern certificate.

~~f.~~ e. A preceptor's duties shall include the following:

- (1) Ensure the intern completes the training program outlined in ~~401.5(3)~~ subrule 101.3(3);
- (2) Be physically present and supervise the first five embalming cases, first five funeral arrangements, and first five funeral or memorial services;
- (3) Familiarize the intern in the areas specified by the preceptor training outline;
- (4) Read, add appropriate comments to, and sign each of the 25 embalming reports and the 25 funeral directing reports completed by the intern;
- (5) Complete a written six-month report of the intern on a form provided by the board. This report is to be reviewed with and signed by the intern and submitted to the board before the end of the seventh month; and

(6) At the end of the internship, complete a confidential evaluation of the intern on a form provided by the board. This evaluation shall be submitted within two weeks of the end of the internship. The 12-month report shall be submitted to the board for review and approval prior to the board's approval of the intern for licensure.

~~g.~~ f. Failure of a preceptor to fulfill the requirements set forth by the board, including failure to remit the required six-month progress report, as well as the final evaluation, shall result in an investigation of the preceptor by the board and may result in actions which may include, but not be limited to, the loss of preceptor status for current and future interns or discipline or both.

~~h.~~ g. If a preceptor does not serve the entire year, the board will evaluate the situation; and if a certified preceptor is not available, a licensed funeral director may serve with the approval of the board.

~~i.~~ h. No licensed funeral director or licensed funeral establishment shall have more than one intern funeral director for the first 100 human remains embalmed or funerals conducted per year, and with a maximum of two interns per funeral establishment.

~~j.~~ i. With prior board approval, an intern may serve under the supervision of more than one preceptor under the following terms and conditions:

- (1) A single preceptor must act in the role of the primary preceptor.
- (2) The primary preceptor is responsible for coordinating all intern training and activities.
- (3) The intern shall be a full-time employee of the funeral establishment of the primary preceptor; however, compensation may be shared between preceptors.
- (4) The primary preceptor may make arrangements with a maximum of two additional preceptors to share preceptor responsibilities for such purposes as providing an intern with a higher volume practice or a broader range of intern experiences.

(5) Each preceptor shall be individually responsible for directly supervising the intern's activities performed under the preceptor's guidance, but the primary preceptor remains responsible for coordinating the intern's activities and submitting all forms to the board.

**101.3(3) Intern training requirements.**

*a.* The board-approved preceptor shall ensure that the intern is knowledgeable of each of the following items during the internship:

- (1) The requirements of the Federal Trade ~~Commission~~ Commission's funeral rule.
- (2) The requirements of the Occupational Safety and Health Act.
- (3) The requirements of the Americans ~~With~~ with Disabilities Act.
- (4) The benefits of the Social Security and Veterans Health Administrations.

(5) The requirements of Iowa funeral law and forms (for example, preneed in Iowa Code chapter 523A, death certificates and Iowa burial transit permits in Iowa Code chapter 144, authorized person in Iowa Code chapter 144C, Iowa department of public health's law and rules governing funeral practice, and the board's laws and rules).

b. The board-approved preceptor shall ensure that the intern performs each of the following under the preceptor's direct supervision:

- (1) Assists with or performs a minimum of 10 transfers of human remains.
- (2) Performs 25 embalmings of human remains to include:
  1. Obtaining permission to embalm.
  2. Placement of human remains on preparation table.
  3. Pre-embalming analysis.
  4. Primary disinfection.
  5. Setting features.
  6. Selection of injection/drainage sites and raising those vessels.
  7. Selection and mixing of embalming chemicals and operation of the embalming machine.
  8. Injection and drainage methods.
  9. Cavity treatment.
  10. Suturing techniques.
- (3) Prepares a minimum of 10 human remains for viewing to include:
  1. Dressing.
  2. Cosmetizing.
  3. Casketing.
- (4) Assists with cremation procedures to include:
  1. Contacting the medical examiner.
  2. Completing required cremation forms.
  3. Preparing human remains for cremation.
- (5) Makes complete funeral arrangements with a minimum of 10 families to include each of the following, as applicable:
  1. Presentation of funeral goods, products and services.
  2. Presentation of payment options for families.
  3. Contacting third-party suppliers of goods and services, such as clergy, cemetery personnel, outer burial container provider, ~~crematory~~ cremation establishment, florist, and musicians.
  4. Completing the obituary.
  5. Presentation of general price list and associated price lists.
  6. Preparation and presentation of statement of funeral goods and services.
- (6) Coordinates, at a minimum, 10 visitations to include:
  1. Preparing the chapel, visitation room or other facility.
  2. Setting up floral arrangements.
  3. Setting up register book and memorial folders or prayer cards.
- (7) Directs a minimum of 25 funerals or memorial services to include, as applicable:
  1. Greeting funeral attendees.
  2. Assisting casket bearers.
  3. Preparing for funeral procession.
  4. Driving a vehicle in procession.
  5. Assisting at graveside committal.
  6. Transporting flowers.

7. Coordinating with officiant and family.

ITEM 18. Amend renumbered rule 645—101.5(156) as follows:

**645—101.5(156) Funeral establishment license or cremation establishment license or both establishment licenses.**

**101.5(1)** A place of business devoted to providing any aspect of mortuary science or cremation services shall hold an establishment license issued by the board. An establishment license shall not be issued more than 30 days prior to the opening of a new establishment.

~~a.~~ A funeral establishment, or a cremation establishment, ~~or a combined funeral and cremation establishment~~ shall not be operated until it has obtained a license from the board. ~~Such an~~ Each establishment shall timely renew the license in order to continue operations.

~~b.~~ A funeral or cremation establishment shall surrender its license to the board if ~~it~~ the establishment fails to engage in or ceases to engage in the business for which the license was issued, pursuant to Iowa Code section 156.15(2)“d.”

~~c.~~ A funeral or cremation establishment license is not transferable or assignable.

~~d.~~ A change in ownership shall require the issuance of a new license. A change in ownership shall be reported to the board prior to the date ownership will change or, in the case of change of ownership by death or other unexpected event, within 30 days following change of ownership. The board may request legal proof of the ownership transfer. ~~A change in ownership shall be defined as any change of controlling interest in any corporation or other business entity.~~

~~e.~~ An establishment license shall be issued for a specific physical location. A change in location or site of an establishment shall require the submission of an application for a new license and payment of the fee required by 645—subrule ~~105.1(9)~~ 5.9(9). A new establishment license must be issued prior to the commencement of business in a new location.

~~f.~~ A change in the name of an establishment shall be reported to the board within 30 days. The establishment owner shall pay the fee for reissuing the ~~certificate~~ license.

~~g.~~ A change in address or of the funeral director in responsible charge shall be reported to the board within 30 days.

~~h.~~ An establishment shall have an employment or other relationship with one or more licensed funeral directors who shall perform all mortuary science services for which licensure as a funeral director is required by Iowa Code chapter 156. A cremation establishment is not, however, required to employ or contract with a funeral director on an ongoing basis because a cremation establishment shall not offer services directly to the general public. When a funeral establishment has an employment or other relationship with multiple funeral directors, the funeral establishment shall designate the funeral director who shall be in responsible charge of all mortuary science services performed at the funeral establishment. The funeral establishment shall report to the board any change of the funeral director in responsible charge within 30 days of the change.

~~i.~~ ~~Rescinded IAB 10/8/08, effective 11/12/08.~~

~~j.~~ i. The board shall not routinely issue more than one establishment license for a single location, but the board may do so if the multiple applicants provide proof, satisfactory to the board, that the establishments are wholly separate except for the sharing of facilities. If the board issues more than one establishment license for a single location, the licensees shall ensure that the public will not be confused or deceived as to the establishment with which the public is interacting. A facility may have a funeral establishment license and a separate cremation establishment license at a single location.

~~k.~~ j. The establishment license shall be displayed in a conspicuous place at the location of the establishment.

~~l.~~ k. Failure to comply with any of these rules shall constitute grounds for discipline pursuant to 645—Chapter 103 or civil penalties for unlicensed practice pursuant to 645—Chapter 104.

**101.5(2)** A funeral establishment, or cremation establishment, ~~or both establishments~~ shall be subject to applicable local, state and federal health and environmental requirements and shall obtain all necessary licenses and permits from the agencies with jurisdiction.

**101.5(3)** License application. An application for a funeral establishment license, or a cremation establishment license, or both establishment licenses shall be in writing on forms furnished by the board and shall be accompanied by the funeral or cremation establishment fee. If there is both a funeral establishment and a cremation establishment at the same location, two establishment license applications will be required, along with the payment of two establishment license fees. The application shall contain all of the following:

- a. The name, mailing address and telephone number of the applicant.
- b. The physical location of the establishment.
- c. The mailing address, telephone number, fax number and E-mail address of the establishment.
- d. The name, home address and telephone number of the individual in charge who has the authority and responsibility for the establishment's compliance with laws and rules pertaining to the operation of the establishment.
- e. The name and address of all owners and managers of the establishment (e.g., sole proprietor, partner, director, officer, managing partner, member, or shareholder with 10 percent or more of the stock).
- f. The legal name of the establishment and all trade names, assumed names, or other names used by the establishment.
- g. The signature of the responsible authority at the site of the establishment and an acknowledgment of the funeral director in responsible charge of mortuary science services at the funeral establishment that the funeral director is aware of and consents to the designation.
- h. The names and license numbers of all funeral directors employed by or associated with the establishment through contract or otherwise who provide mortuary science services at or for the establishment. When a funeral establishment has an employment or other relationship with multiple funeral directors, the funeral establishment shall designate the funeral director who shall be in responsible charge of all mortuary science services performed at the funeral establishment. No funeral establishment shall be issued a license if it fails to designate the funeral director in responsible charge of the mortuary science services to be performed at the establishment.
- i. All felony or misdemeanor convictions of the applicant and all owners and managing officers of the applicant (except minor traffic offenses with fines of less than \$500).
- j. All disciplinary actions against any professional or occupational license of the applicant by any jurisdiction including, but not limited to, disciplinary action by the Iowa insurance division under Iowa Code chapter 523A or 523I, or action by the Federal Trade Commission.
- k. Further information that the board may reasonably require, such as whether the establishment includes a preparation room.

ITEM 19. Amend renumbered rule 645—101.6(156) as follows:

~~**645—101.6(156) Licensure by endorsement.** An applicant who has been a licensed funeral director under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. Applicants licensed before 1980 are exempt from showing a passing grade on the national board examination. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:~~

- ~~**101.6(1)** Submits to the board a completed application.~~
- ~~**101.6(2)** Pays the licensure fee.~~
- ~~**101.6(3)** Shows evidence of licensure requirements that are similar to those required in Iowa.~~
- ~~**101.6(4)** Provides official copies of the academic transcripts showing the completion of a mortuary science program accredited by the American Board of Funeral Service Education.~~
- ~~**101.6(5)** Provides official transcript of grades showing 60 semester hours from a regionally accredited college or university with a minimum of a 2.0 or "C" grade point average.~~
- ~~**101.6(6)** Completes a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas, including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.~~
- ~~**101.6(7)** Furnishes certified evidence of:~~



a. Two or more years of actual practice as a licensed funeral director in the state from which the applicant desires to endorse; or

b. Having met requirements substantially equivalent to those in 101.5(1) “g” and 101.5(3).

~~101.6(8)~~ Was issued the initial license by endorsement within six months of the birth month and will not be required to renew the license until the fifteenth day of the birth month two years later. The new licensee is exempt from meeting the continuing education requirement for the continuing education biennium in which the license was originally issued.

101.6(1) The applicant shall be eligible to apply for a license to practice mortuary science issued by the board when the applicant has completed the educational qualifications, examination requirements, and documentation of experiences as prescribed below:

a. Educational qualifications.

(1) A minimum of 60 hours of college credit as indicated on the transcript from a regionally accredited college or university with a minimum of a 2.0 or “C” grade point average. The 60 college semester hours shall not include any technical mortuary science course; and

(2) A program in mortuary science from a school accredited by the American Board of Funeral Service Education; and

(3) A college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including, but not limited to, Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed services.

b. Examination requirements. The board shall accept a certificate of examination issued by the International Conference of Funeral Service Examining Boards, Inc., indicating a passing score on both the arts and sciences portions of the examination.

c. Documentation of experience. The applicant shall furnish certified evidence of:

(1) Two or more years of actual practice as a licensed funeral director in the state from which the applicant desires to endorse; or

(2) Having met requirements substantially equivalent to those in paragraph 101.3(1) “f” and subrule 101.3(3).

101.6(2) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s Web site (<http://idph.iowa.gov/Licensure/Iowa-Board-of-Mortuary-Science/Licensure>) or directly from the board office. All applications shall be sent to Board of Mortuary Science, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

a. The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

b. Each application shall be accompanied by the appropriate fees payable to the Board of Mortuary Science. The fees are nonrefundable.

c. No application will be considered by the board until official copies of academic transcripts showing the completion of training in a college of mortuary science approved by the board have been sent directly from the school to the board.

d. Licensees who were issued their initial licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal month two years later.

e. Incomplete applications that have been on file in the board office for more than two years shall be:

(1) Considered invalid and shall be destroyed; or

(2) Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

~~101.6(9)~~ 101.6(3) Provides The applicant shall provide verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

a. Licensee’s name;

- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license.

~~101.6(10)~~ **101.6(4)** Satisfies The applicant shall satisfy the provisions of ~~101.18(3)~~ subrule 101.11(3), if the applicant is not actively licensed in another jurisdiction.

ITEM 20. Amend renumbered rule 645—101.7(156), catchwords, as follows:

**645—101.7(156) ~~License renewal~~ Renewal of funeral director license.**

ITEM 21. Amend renumbered subrule 101.7(6) as follows:

**101.7(6)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule ~~105.1(3)~~ 5.9(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 22. Amend renumbered rule 645—101.8(272C), catchwords, as follows:

**645—101.8(272C) Renewal of a funeral establishment license or a cremation establishment license ~~or both establishment licenses.~~**

ITEM 23. Amend renumbered rule 645—101.9(272C) as follows:

**645—101.9(272C) Inactive funeral establishment license or cremation establishment license ~~or both establishment licenses.~~**

**101.9(1)** If the renewal application and fee are not postmarked within 30 days after the license expiration date, the funeral establishment license or cremation establishment license is inactive. To reactivate a funeral establishment license or a cremation establishment license, the reactivation application and fee shall be submitted to the board office.

**101.9(2)** A funeral establishment or a cremation establishment that has not renewed the funeral establishment license or cremation establishment license within the required time frame will have an inactive license and shall not provide mortuary science services until the license is reactivated.

ITEM 24. Amend renumbered rule 645—101.10(17A,147,272C) as follows:

**645—101.10(17A,147,272C) License reinstatement Reinstatement of a funeral establishment license or a cremation establishment license.** For a funeral or cremation establishment license that has been revoked, suspended, or voluntarily surrendered, the owner must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with ~~645—101.14(272C)~~ rule 645—101.9(272C) prior to offering mortuary science services from that establishment in this state.

ITEM 25. Amend renumbered subrule 101.11(2) as follows:

**101.11(2)** Pay the reactivation fee that is due as specified in ~~645—Chapter 105~~ rule 645—5.9(147,156).

ITEM 26. Amend renumbered subparagraph **101.11(3)“a”(3)** as follows:

(3) Verification of completion of 2 hours of continuing education in current Iowa law and rules covering mortuary science content areas including, but not limited to, Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. These 2 hours shall be included as a part of the 24 hours required in ~~101.18(3)“a”(2)~~ subparagraph 101.11(3)“a”(2).

ITEM 27. Amend renumbered rule 645—101.12(17A,147,272C) as follows:

**645—101.12(17A,147,272C) License reinstatement Reinstatement of a funeral director license.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with ~~645—101.18(17A,147,272C)~~ rule

645—101.11(17A,147,272C) prior to practicing as a funeral director in this state. The owner of a funeral home establishment whose establishment license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the establishment license and must apply for and be granted reactivation of the establishment license prior to reopening the funeral home establishment.

ITEM 28. Amend rule 645—102.1(272C) as follows:

**645—102.1(272C) Definitions.** For the purpose of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

~~“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.~~

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of mortuary science.

“*Continuing education*” means planned, organized learning acts that are designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public and that meet the standards set forth in these rules.

~~“*Direct supervision*” means under the direction and immediate supervision of a licensed funeral director.~~

~~“*Full-time*” means a minimum of a 35-hour work week.~~

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and completion of ~~an approved~~ continuing education activity.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in these rules and includes a posttest.

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as a funeral director in the state of Iowa.

ITEM 29. Amend subrule 102.2(1) as follows:

**102.2(1)** The biennial continuing education compliance period shall extend for a two-year period beginning on the fifteenth day of the licensee’s birth month and ending on the fifteenth day of the licensee’s birth month. Each biennium, each person who ~~is licensed to practice as a licensee in this state~~ holds an active license shall be required to complete a minimum of 24 hours of continuing education ~~approved by the board~~ activity. Two of the 24 hours of continuing education shall be in current Iowa law and rules covering mortuary science content areas including, but not limited to, Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. ~~Beginning January 1, 2009, A minimum of 12 hours of the 24 hours of continuing education required for renewal shall be earned by completing a program in which an instructor conducts the class employing either in-person or live, real-time interactive media.~~

ITEM 30. Amend subrule 102.2(4) as follows:

**102.2(4)** No hours of continuing education shall be carried over into the next biennium except as stated ~~for the second renewal in subrule 102.2(2).~~ A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

ITEM 31. Amend paragraph **102.3(1)“e”** as follows:

e. Provides proof of attendance to licensees in attendance including:

(1) Date(s), location, course title, presenter(s);

(2) Number of program contact hours; and

(3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

All licensees must retain the information identified in paragraph 102.3(1) “e” for two years after the biennium has ended.

ITEM 32. Amend paragraphs **102.3(2)“c”** and **“d”** as follows:

c. Attendance at or participation in a program or course which is offered or sponsored by a state or national funeral association that meets the criteria in subrule 102.3(1) and paragraph 102.3(2) “a-” is accepted.

d. ~~Independent study, including television viewing, Internet, video or sound-recorded programs, or correspondence work, or by other similar means that meet the criteria in paragraph 102.3(2) “a-.”~~ Independent study credits, including those obtained by television viewing, Internet, video- or sound-recorded programs, or correspondence work or by other similar means that meet the criteria in paragraph 102.3(2) “a,” must be accompanied by a certificate from the sponsoring organization that indicates successful completion of the test. ~~After January 1, 2009, continuing~~ Continuing education credit obtained by independent study shall not exceed 12 hours of the 24 hours required during the compliance period.

ITEM 33. Amend rule 645—103.3(17A,147,156,272C), introductory paragraph, as follows:

**645—103.3(17A,147,156,272C) Grounds for discipline against funeral directors.** The board may initiate disciplinary action against a licensed funeral director based on Iowa Code section 156.9 and any of the following grounds:

ITEM 34. Amend paragraph **103.3(4)“g”** as follows:

g. Embalming or attempting to embalm a deceased human body without first having obtained authorization from a family member or representative of the deceased, except where embalming is done to meet the requirements of applicable state or local law. However, a funeral director may embalm without authority when, after due diligence, no authorized person can be contacted and embalming is in accordance with legal or accepted standards in the community, or the licensee has good reason to believe that the family wishes embalming. The order of priority for those persons authorized to permit embalming is found in Iowa Code section ~~142A.2(2)~~ 144C.5. If embalming is performed under these circumstances, the licensee shall not be deemed to be in violation of the prohibition in this paragraph.

ITEM 35. Amend subrule 103.3(14) as follows:

**103.3(14)** Failure to comply with conditions of Iowa Code ~~section~~ sections 142C.10 and 142C.10A.

ITEM 36. Amend subrule 103.4(6) as follows:

**103.4(6)** The licensee or owner of the establishment has violated the smokefree air Act, ~~2008 Iowa Acts, House File 2212~~ Iowa Code chapter 142D.

ITEM 37. Rescind and reserve rule **645—103.7(156).**

ITEM 38. Amend rule 645—104.4(156) as follows:

**645—104.4(156) Subpoenas.** Pursuant to Iowa Code sections 17A.13(1) and 156.16, the board is authorized in connection with an investigation of an unlicensed person or establishment to issue subpoenas to compel persons to testify and to compel persons to produce books, papers, records and any other real evidence, whether or not privileged or confidential under law, which the board deems necessary as evidence in connection with the civil penalty proceeding or relevant to the decision of whether to initiate a civil penalty proceeding. Board procedures concerning investigative subpoenas are set forth in ~~645 IAC 9.5(17A,272C)~~ rule 645—9.5(17A,272C).