PROFESSIONAL LICENSURE DIVISION[645]

Amended Notice of Intended Action

Proposing rule making related to disinterment and providing an opportunity for public comment

The Board of Mortuary Science hereby proposes to amend Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 156 and Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 21, 142D, 144C, 147, 156 and 272C.

Purpose and Summary

The proposed amendment makes rule 645—100.9(144) consistent with the rules and policies of the Iowa Department of Public Health that relate to the purpose of issuing disinterment permits in accordance with Iowa Code section 144.34.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 13, 2019, as ARC 4306C. No public comments were received. The proposed amendment has been changed since publication of the Notice. Because cremation is considered final disposition that does not require a disinterment permit, the Board struck the words “or cremated remains” from subrule 100.9(6).

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on October 1, 2019. Comments should be directed to:
Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 1, 2019
9 to 9:30 a.m.
Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person’s comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 100.9(6) as follows:

100.9(6) Disinterment permits shall be required for any relocation of a human remains or cremated remains from the original site of interment or entombment if the purpose is for autopsy or reburial.