

FUNERAL DIRECTORS

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CHAPTER 100
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS,
AND CREMATION ESTABLISHMENTS

[Prior to 9/21/88, see Health Department[470] Ch 146]

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.

“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, 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 provides any aspect of cremation services.

“Cremation permit” means a permit issued by a medical examiner allowing cremation of 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 human remains from their 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 application number*” means the number assigned to a disinterment application by the department of public health, giving the funeral director the authority to disinter a casketed human remains or an urn containing cremated remains from its place of final disposition.

“*Embalming*” means the disinfecting or preserving 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 preservation or disinfection.

“*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 by the board devoted to providing any aspect of mortuary science.

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

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

[ARC 9239B, IAB 11/17/10, effective 12/22/10]

645—100.2(156) Funeral director duties.

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 as specified in rule 645—100.6(156).
- 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 services as specified in rule 645—100.10(156).
- f. Signing death certificates.

100.2(2) Registered interns. Registered interns may provide funeral director services identified in subrule 100.2(1), paragraphs “a” through “e,” under the direct supervision of an Iowa-licensed preceptor. Registered interns shall not sign death certificates.

100.2(3) CDC universal precautions and OSHA standards. The funeral director shall observe current guidelines of universal precautions as prescribed by the Centers for Disease Control (CDC) as well as Occupational Safety and Health Administration (OSHA) standards.

100.2(4) Funeral directors who provide mortuary science services from funeral establishments located in another state. A funeral director who holds an active Iowa funeral director’s license and whose practice is conducted from a funeral establishment located in another state may provide mortuary science services in Iowa if the establishment holds a current license in the state in which it is located, if such a license is required.

100.2(5) Withholding human remains. A funeral director shall not withhold human remains based solely on nonpayment of fees.

[ARC 9239B, IAB 11/17/10, effective 12/22/10]

645—100.3(156) Permanent identification tag.

100.3(1) The funeral director who assumes possession of the 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, date of birth, date of death and social security number of the deceased and the name and license number of the funeral home in charge of disposition.

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

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 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 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.

[ARC 9239B, IAB 11/17/10, effective 12/22/10]

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.

645—100.6(156) Prepreparation 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 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 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 during the embalming without written permission.

c. The human remains shall be 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 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 the distribution of the embalming chemicals and perform treatment for discoloration, vascular difficulties, decomposition, dehydration, purge and close any incisions.

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 human remains were 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.

[ARC 9239B, IAB 11/17/10, effective 12/22/10]

645—100.7(156) Arranging and directing funeral and memorial ceremonies.

100.7(1) *The Federal Trade Commission.* The funeral director shall observe current guidelines of the Federal Trade Commission (FTC) funeral rule.

100.7(2) *Arrangement conference activities.* If responsible the funeral director shall perform the following duties associated with arranging ceremonies and the final disposition of a human remains.

- a. Gather necessary statistical and biographical information relating to the decedent and explain the varied use of the information gathered.
- b. Present, discuss and explain the mandated Federal Trade Commission price lists and assist or provide the consumer with:
 - (1) The types of ceremony or final disposition.
 - (2) The specific goods and services.
 - (3) The prices of any goods and services.
 - (4) The written, itemized statement of the funeral goods and services.
 - (5) A general price list.

At the conclusion of arrangements the itemized statement shall be signed by the purchaser and the funeral director.

100.7(3) *Directing of funeral and memorial ceremonies.* If responsible, the funeral director shall perform the following duties:

- 1. Direct and supervise ceremonies.
- 2. Direct and supervise final disposition.

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 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 department of public health as soon as any human remains, which are unclaimed and may be suitable for scientific purposes, shall come into their 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 human remains.

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

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 issued by the Iowa department of public health.

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 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. All disinterment applications shall be requested and provided by the department of public health.

3. All disinterment applications shall be signed by the authorizing person.

4. Disinterment applications shall be furnished upon request from the department of public health and will remain valid for 30 days after issuance.

5. Disinterment numbers will only be issued to the funeral director, and the disinterment must be done under the direct supervision of the funeral director.

6. Disinterment applications and numbers shall be required for any relocation of a human remains or cremated remains from the original site of interment or entombment.

7. No disinterment application or number 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.

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

100.10(1) Record keeping.

a. Delivery receipt. When a human remains is delivered to a crematory, the crematory shall furnish to the delivery person a delivery receipt containing:

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

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

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

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

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

The crematory shall retain a copy of this receipt in its permanent records.

b. Receiving receipt. The crematory authority shall furnish to any person who receives the cremated remains from the crematory a receiving receipt containing:

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

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

(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 affiliated.

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

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

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

The crematory shall retain a copy of this receipt in its permanent records.

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

- (1) Name of 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 if required in jurisdiction of death.

100.10(2) *Employment of a funeral director by a crematory.* No aspect of these rules shall be construed to require a funeral director to supervise or perform any functions at a crematory not otherwise required by law to be performed by a funeral director. The crematory 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. If the decedent in the decedent's lifetime requested that the decedent's body be cremated by signing a cremation authorization, the authorized person at the time of death may revoke the cremation authorization to cancel the cremation.

100.10(4) *Authorization to cremate.*

a. The crematory 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 crematory authorized to cremate the 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 human remains do 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 if required in 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 crematory shall honor any instructions from a funeral director

or funeral establishment under this rule if the crematory receives instructions prior to beginning the cremation.

100.10(5) Cremation procedures.

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

b. No crematory 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 crematory shall refuse to accept human remains for cremation because such human remains are not embalmed.

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

e. No crematory shall accept human remains unless they are delivered to the crematory 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 human remains are delivered to the crematory 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 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 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 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 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 shall maintain an identification system that shall ensure the identity of human remains in its possession throughout all phases of the cremation process. A noncombustible tag or disc that includes the name and license number of the crematory and the city and state where the crematory 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; 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 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 permit and may dispose of them in accordance with this rule. After releasing the cremated remains, the crematory 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.
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- ¹ Effective date of 645—100.1(4)“a,” 100.1(5)“c,” 100.1(8)“a,” 100.6(135,144) and 100.7(135,144) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 13, 1995; delay lifted by this Committee May 9, 1995.