

CHAPTER 1147
PRACTICE OF DENTISTRY
H.F. 2201

AN ACT relating to defining the practice of dentistry.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 153.13, subsection 2, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:

2. Persons who perform examination, diagnosis, treatment, and attempted correction by any medicine, appliance, surgery, or other appropriate method of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, including teeth, gums, jaws, and associated structures and tissue, which methods by education, background experience, and expertise are common to the practice of dentistry.

Approved April 23, 1996

CHAPTER 1148
MORTUARY SCIENCE AND CREMATION
S.F. 259

AN ACT relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.14, subsection 1, Code 1995, is amended to read as follows:

1. For podiatry, barbering, ~~mortuary science~~, and social work, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 2. Section 147.14, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. For mortuary science examiners, four members licensed to practice mortuary science, one member owning, operating, or employed by a crematory, and two members not licensed to practice mortuary science and not a crematory owner, operator, or employee who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 3. Section 156.1, Code 1995, is amended to read as follows:

156.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Board" ~~shall mean~~ means the board of mortuary science examiners.
2. "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.
3. "Cremation establishment" means a place of business as defined by the board which provides any aspect of cremation services.

~~2. 4.~~ "Funeral director" ~~shall mean~~ means a person licensed by the board to practice mortuary science.

~~5.~~ "Funeral establishment" means a place of business as defined by the board devoted to providing any aspect of mortuary science.

~~6.~~ "Intern" means a person registered by the board to practice mortuary science under the direct supervision of a funeral director.

~~3. 7.~~ "Mortuary science" ~~shall mean~~ means the engaging in any of the following:

a. Preparing, for the burial or disposal, or directing and supervising the burial or disposal of dead human bodies except supervising cremations.

b. ~~Furnishing~~ Making funeral arrangements or furnishing any funeral services, ~~or embalming~~, in connection with the disposition of dead human bodies or sale of any casket, vault, urn, or other burial receptacle.

c. Using the words, "funeral director", "mortician" or any other title implying that the person is engaged as a funeral director as defined in this section.

d. Embalming by disinfecting or preserving dead human bodies, 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 direct application into the organs or cavities for the purpose of preservation or disinfection.

Nothing contained in this chapter shall be construed as prohibiting the operation of any funeral home, ~~or funeral establishment~~, or cremation establishment by any person, heir, fiduciary, firm, co-operative burial association, or corporation; ~~provided that~~. However, each such person, firm, co-operative burial association, or corporation shall employ ensure that all mortuary science services are provided by a funeral director, and shall keep the Iowa department of public health advised of the name of the funeral director.

Sec. 4. Section 156.2, Code 1995, is amended to read as follows:

156.2 PERSONS EXCLUDED.

Section 156.1 shall not be construed to include the following classes of persons:

1. Manufacturers, wholesalers, ~~and jobbers~~ distributors, and retailers of caskets, vaults, urns, or other burial receptacles not engaged in the other functions of furnishing of funeral services or embalming as above defined.

~~2. Those who distribute or sell caskets, vaults, or any other burial receptacles and who do not furnish any funeral service or embalming, except a registered apprentice under the personal direction of a funeral director.~~

~~3. 2.~~ Those who use bodies for scientific purposes as defined in sections 142.1, 142.2, and 142.5; or those who make scientific examinations of dead bodies; or perform autopsies.

~~4. 3.~~ Physicians or institutions who preserve parts of human bodies either for scientific purposes or for use as evidence in prospective legal cases.

~~5. 4.~~ Persons burying who, without compensation, bury their own dead under a burial permit from the registrar of vital statistics transit permit secured pursuant to section 144.32.

Sec. 5. Section 156.4, subsections 1 and 5, Code 1995, are amended to read as follows:

1. The practice of a funeral director must be conducted from a funeral establishment equipped for the care and preparation for burial or transportation of dead human bodies licensed by the board.

5. After the applicant shall have completed satisfactorily the course of instruction in mortuary science in an accredited school approved by the board, the applicant must pass the examination prescribed by the board as provided in section 147.34. The applicant may then receive a class "A" certificate of apprenticeship an internship certificate and shall then complete a minimum ~~of one additional year of apprenticeship~~ one-year internship as determined by the board. ~~The apprentice shall assist in the direction of not less than twenty-five funerals under the direct supervision of a funeral director. The apprentice shall arterially embalm not less than twenty five dead human bodies under the direct supervision of~~

~~a funeral director. The~~ After completion of the internship, the applicant shall demonstrate proficiency as directed by the board ~~of mortuary science examiners by practical examination.~~

Sec. 6. Section 156.8, Code 1995, is amended to read as follows:

156.8 ~~APPRENTICESHIP INTERNSHIPS.~~

The board shall, by rule, provide for apprenticeships internships in funeral directing mortuary science, and shall regulate the registration, training, and fee for apprenticeships internships.

Sec. 7. Section 156.9, Code 1995, is amended to read as follows:

156.9 REVOCATION OF LICENSE.

1. Notwithstanding section 147.87 and in addition to the provisions of sections 147.58 through 147.71, the board may restrict, suspend, or revoke a license to practice mortuary science or place a licensee on probation. The board shall adopt rules of procedure pursuant to chapter 17A by which to restrict, suspend, or revoke a license. The board may also adopt rules pursuant to chapter 17A relating to conditions of license reinstatement.

2. The in addition to the grounds stated in sections 147.55 and 272C.10, the board may revoke or suspend the license of a funeral director for any one of the following acts:

1- a. Knowingly misrepresenting any material matter to a prospective purchaser of funeral merchandise, furnishings, or services.

2- b. Executing a death certificate or shipping paper burial transit permit for use of by anyone except a funeral director or a registered apprentice certified intern who is working under the immediate personal direct supervision of a funeral director unless otherwise allowed under section 144.32.

3- c. Any of the applicable grounds for revocation or suspension of a license provided in chapters 147 and 272C Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice mortuary science.

d. Willful or repeated violations of this chapter, or the rules adopted pursuant to this chapter.

Sec. 8. Section 156.10, Code 1995, is amended to read as follows:

156.10 INSPECTION.

The director of public health shall inspect all places where dead human bodies are prepared or held for burial, ~~or entombment, or cremation, and to prescribe~~ shall adopt and enforce such rules and regulations in connection ~~therewith~~ with the inspection as shall be necessary for the preservation of the public health.

An inspection fee for each place where dead human bodies are prepared for burial or cremation shall be fifteen dollars per year, which shall be collected by the director of public health. ~~The inspection fees collected under this section shall be paid to the treasurer of state who shall maintain a trust fund to be used only for paying the cost of inspection of such places.~~

Sec. 9. NEW SECTION. 156.14 FUNERAL ESTABLISHMENT AND CREMATION ESTABLISHMENT LICENSE.

1. A person shall not establish, conduct, or maintain a funeral establishment or a cremation establishment in this state without a license. The license shall be identified as an establishment license.

a. An establishment license issued by the board under this chapter shall be issued for a site and in the name of the individual in charge and is not transferable or assignable.

b. A license is required for each place of practice.

c. The license of the establishment shall be displayed.

2. The board shall specify by rule the licensing procedures to be followed, including specifications of forms for use in applying for an establishment license and fees for filing an application. The board shall specify by rule minimum standards for professional responsibility in the conduct of a funeral establishment or a cremation establishment.

3. To qualify for a funeral establishment or a cremation establishment license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board that shall include the following information and be given under oath:

- a. Ownership of the establishment.
- b. Location of the establishment.
- c. The license number of each funeral director employed by the establishment at the time of the application.
- d. The trade or corporate name of the establishment.
- e. The name 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.

4. A person who falsely makes the affidavit prescribed in subsection 3 is subject to all penalties prescribed for making a false affidavit.

Sec. 10. NEW SECTION. 156.15 FUNERAL ESTABLISHMENTS AND CREMATION ESTABLISHMENTS - LICENSE REQUIRED - DISCIPLINE, VIOLATIONS, AND PENALTIES.

1. A funeral establishment or cremation establishment shall not be operated until a license or renewal certificate has been issued to the establishment by the board.

2. The board shall refuse to issue an establishment license when an applicant fails to meet the requirements of section 156.14. The board may refuse to issue or renew a license or may impose a penalty, not to exceed ten thousand dollars, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

a. Been convicted of a felony or a misdemeanor involving moral turpitude, or if the applicant is an association, joint stock company, partnership, or corporation, that a managing officer has been convicted of a felony or a misdemeanor involving moral turpitude, under the laws of this state, another state, or the United States.

b. Violated this chapter or any rule adopted under this chapter or that any owner or employee of the establishment has violated this chapter or any rule adopted under this chapter.

c. Knowingly aided, assisted, procured, advised, or allowed a person to unlawfully practice mortuary science.

d. Failed to engage in or ceased to engage in the business described in the application for a license.

3. Failed to keep and maintain records as required by this chapter or rules adopted under this chapter.

Sec. 11. Section 331.805, subsection 3, paragraph b, Code 1995, is amended to read as follows:

b. If the next of kin, guardian, or other person authorized to act on behalf of a deceased person has requested that the body of the deceased person be cremated, a permit for cremation must be obtained from a medical examiner. However, a permit is not required if the deceased person was a member of an established religion whose tenets are opposed to the inspection or examination of the body of a deceased person. Cremation permits by the medical examiner must be made on the most current forms prepared at the direction of and approved by the state medical examiner, with copies forwarded to the state medical examiner's office. Costs for the cremation permit issued by a medical examiner shall not exceed ~~twenty-five~~ thirty-five dollars. The costs shall be borne by the family, next of kin, guardian of the decedent, or other person.