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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXVII. Embalmers and Funeral Directors

Chapter 1. General Provisions

§101. Definitions

A. The terms *Board*, *Embalmers*, *Funeral Directing*, *Funeral Director*, *Crematory*, *Crematory Retort Operator*, *Intern*, and *Certificate*, are as defined in Section 831 of the embalming statute, as amended by Act 19 of 1966 and Act 1243 of 2003.

B. *Establishment*—a licensed funeral home which shall consist of the following: adequate parlors or chapel, adequate separate toilet facilities for both men and women, an adequate climate control system, display room, office or arrangement room, embalming room and other furnishings, equipment and facilities of suitable and dignified quality with signage sufficient to be visible from the street to adequately serve the public.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:831 and R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2817 (December 2004).

§103. Duties of Officers

A. The president shall be the presiding officer at all meetings and is required to call a meeting at least once a year or more often, if necessary, for the proper and efficient performance of the board's functions. In the absence of the president, the vice president shall assume these duties.

B. The secretary shall keep a record of the proceedings of all meetings of the board and of all other matters of which a record shall be ordered by the board. He shall issue all notices of meetings of the board; prepare an agenda for and keep minutes of such meetings, and a record of individual attendance at the meetings of the board; and shall perform all such other duties as are usually incident to his office or as may be required by the president or the board.

C. The duties of the treasurer shall be to comply with R.S. 37:838 of Act 19, 1966.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:831 and R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2817 (December 2004).

§105. Special Meetings

A. Special meetings of the board may be called by the president at any time. Special meetings may also be called

upon the written request of three members, which request must specify the purpose of the meeting, and the president then shall call such a meeting. Notice of such special meeting specifying the purpose thereof shall be mailed by the secretary to each member at least five days in advance of the date set for such special meeting.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:831 and R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2817 (December 2004).

§107. Advertising

A. The use of misleading or false advertising will constitute unprofessional conduct. The following classes of advertising shall be deemed to be misleading:

1. advertising the price of caskets exclusively, without stating that the price does not include other merchandise and services, since the natural inference of the public is that the advertised price of caskets includes the price of the service;

2. offering service at "cost" plus a percentage, when the determination of the "cost" lies within the control of the funeral director or embalmer and is not advertised and included within the General Price List of the funeral home;

3. advertising or sale of certificates or stock participation or any form of agreement which creates the impression with the purchaser, when such is not a fact, that he becomes a part owner in the advertiser's establishment and therefore entitled to special price privileges for funeral services;

4. advertising which impugns the honesty, trustworthiness, of the business or professional standards of competitors, or which states that the prices charged by competitors are considerably higher than those charged by the advertiser, when such is not the fact;

5. advertising which represents the advertiser to be the special defender of the public interest or which makes it appear that the advertiser is subjected to the combined attack of competitors. Such expressions as "independent," "not in the trust," "not controlled by the combine," and other expressions having the same import shall be deemed to be misleading unless it be shown by the advertiser that there is a "trust," or a "combine" and that other funeral directors constitute a monopoly for the purpose of maintaining prices or for any other purpose; and the burden of proving such "trust," "combine," or "monopoly" shall be upon the advertiser asserting the existence of the same.

B. It is prohibited for a licensed funeral establishment to authorize advertising by others not licensed by this board, when such advertising offers services and/or merchandise primarily performed and offered by a licensed funeral director/embalmer and establishment, as defined in R.S. 37:831-861. Such advertising shall be considered as an inducement when used along with or in conjunction with plans, merchandise, pre-need plans, or the like which are normally sold by others. The above rule does not, however, prohibit a licensed funeral establishment from advertising an affiliation with an insurance company.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 4:227 (June 1978), LR 5:279 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2818 (December 2004).

§109. Attire for Embalmers and Crematory Retort Operators

A. Each Louisiana licensed embalmer or intern, while engaged in embalming a dead human body, shall be attired in a clean and sanitary smock or gown; and the body being embalmed shall at all times be covered so as to insure the privacy of said body.

B. Each Louisiana licensed embalmer or intern, while engaged in embalming a dead human body, shall be properly attired to provide for his/her own safety as well as the safety of others and in that regard, it is suggested that the proper attire of the embalmer or intern shall include the following:

1. a sanitary waterproof disposable gown, apron or smock;
2. clean and sanitary rubber or latex gloves;
3. a mask or some other type of protective shield for eye and face protection; or
4. any other applicable safety devices required by OSHA.

C. Protective clothing should be removed before leaving the preparation room and deposited within a container that can be properly disposed of in accordance with governmental codes covering such disposals.

D. Every crematory authority shall make available for use by the crematory retort operator, while engaged in the process of cremating a dead human body, heat resistant gloves and apron; protective face shield (heat reflective); and, any other applicable safety devices required by OSHA.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 30:2818 (December 2004).

§111. Mandatory Disclosure

A. Every funeral establishment in this state and/or the funeral service licensee thereof shall give or cause to be given to the person or persons making funeral arrangements, either

at need or pre-need, or arranging for the disposition of a dead human body, at the time such arrangements are completed and prior to the time of rendering the service and/or providing the merchandise, a written statement showing to the extent then known:

1. the price of the service that the person or persons have selected and what is included therein;
2. the price of each of the supplemental items of service and/or merchandise required;
3. the amount involved for each of the items for which the firm will advance monies as an accommodation of the family;
4. the method of payment.

B. If the funeral establishment charges for purchasing a cash advance item, or if it receives and retains a rebate, commission, or trade or volume discount for a cash advance item, it must make the following disclosure:

"We charge you for our services in obtaining: (specify cash advance items)."

C. All funeral merchandise and/or services offered by a licensed establishment in this state shall be available for viewing by the general public and the price shall be prominently displayed on or immediately next to the merchandise or service.

D. Should a funeral home be designated in a pre-need funeral arrangement contract and designated further as a beneficiary of funds from any source which are to be used to fund the proposed funeral service, and should a funeral service not be provided, then the said funeral home shall refund the entire amount of the proceeds received to the estate of the deceased, unless directed otherwise within the pre-need funeral arrangement contract.

E. If for any reason the casket and/or merchandise selected at the time of the prepaid, pre-need arrangement contract is not available at the time of death, then the funeral home must offer a similar casket and/or merchandise that is equal to or greater than the at-need value of the casket and/or merchandise selected at pre-need.

F. Disclosures as required by the FTC's Funeral Industry Practices Rule must be provided to the person or persons inquiring about and/or making funeral arrangements.

G. When money is made available to the funeral home over and above the amount owed for merchandise and services under no circumstances should the excess funds be utilized for any funeral home operating expenses and arrangements shall be made within a 30 day period for refund of same.

1. Should there be a pre-need contract, then the terms and conditions of that contract shall determine the amount owed for merchandise and services at the time of need in calculating and determining the amount of money, if any, to be refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 17:1101 (November 1991), LR 30:2818 (December 2004), LR 34:2400 (November 2008).

§113. Right of Care of Remains

A. A funeral establishment, its employees, and licensees shall not respond to a death call unless properly contacted and requested.

B. When determining the right of care of remains the funeral establishment shall look to the provisions of R.S. 8:655 as a guideline to determine the order of preference in dealing with representatives of the deceased for interment and/or the provisions of R.S. 37:876 as a guideline as it relates to cremation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:1423 (November 1993), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

Chapter 3. Application

§301. Application Forms

A. Applications for a funeral director license or an embalmer and funeral director license shall be made on forms as provided by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 5:277 (September 1979), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004), amended by Department of Health, Board of Embalmers and Funeral Directors, LR 43:1536 (August 2017).

§303. Notarization; Fee

A. Application for license shall be sworn to by applicant before a notary public and be accompanied by a fee as established by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

§305. Filing of Application

A. Applications shall be filed with the secretary of the board after the completion and successful passing of the examination, or certification procedure as mandated by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended

LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

Chapter 5. Examination

§501. Place and Time

A. Examinations shall be held at those times as the board may deem necessary and expedient either:

1. at such other location(s) as approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:744 (June 1993), LR 30:2819 (December 2004), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1536 (August 2017).

§503. Examination for Funeral Directors

A. Applicants for a funeral director's license shall be given a written and/or oral examination on subjects approved by the board. These subjects include but are not limited to the following:

1. sociology/funeral history;
2. psychology;
3. funeral directing;
4. business law;
5. funeral service law;
6. funeral service merchandising;
7. accounting/computers;
8. may include a Louisiana laws and regulations test; and
9. any other such subjects as the board may deem necessary.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

§505. Examination for an Embalmer and Funeral Director

A. Applicants for an embalmer and funeral director license shall be given a written and/or oral examination on subjects defined in courses required by the American Board of Funeral Service Education and laws, rules, and regulations of the state of Louisiana, together with any such other subjects as the board may deem necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:744 (June 1993) amended LR 30:2819 (December 2004), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1536 (August 2017).

§506. Certification of Crematory Retort Operator

A. Applicants for a crematory retort operator shall be certified in the operation of a crematory retort by a certified instructor and a process approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§507. Failure to Appear

A. Whenever an applicant shall fail to be present for examination at the time and place set by the board, said applicant shall comply with the requirements of the testing or certifying agency as approved by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§509. Failing Examination

A. Any applicant for a funeral director or an embalmer and funeral director license whose application has been accepted by the board, and who shall fail in an examination shall not be entitled to the return of the examination fee. In order to qualify for subsequent examinations, applicant must reapply as provided in R.S. 37:842. In addition, the board, at its discretion, may stipulate certain requirements that deal with preparation and study for the re-examination.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985) repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1536 (August 2017).

§511. Cheating

A. Any applicant found to have in his possession material of any nature which, in the opinion of the board, may be used to assist in the examination, shall forfeit the fee paid and be ejected from the examination and may not be entitled to any further consideration.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979) amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§513. Passing Examination

A. When the applicant for an embalmer and funeral director license has complied with all requirements, and receives a passing grade of not less than 75 percent on the examination, he shall be entitled to receive a license to practice embalming and funeral directing.

B. When the applicant for a funeral director license has complied with all requirements, and receives a passing grade of not less than 75 percent on the examination for funeral directing, he may be entitled to receive a funeral director license.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), LR 17:271 (March 1991), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1536 (August 2017).

Chapter 7. License

§701. Renewal and Reinstatement

A. All individual funeral director or embalmer and funeral director licenses issued by the board shall expire on the thirty-first day of December of each year and must be renewed on or before that date. All establishment licenses and the annual report of prepaid funeral services or merchandise shall also expire on the thirty-first day of December and must be renewed on or before that date. Applications for renewal of licenses must be made to the secretary of the board upon forms furnished by said board and must be accompanied by a renewal fee as established by the board.

B. Application for renewal of a funeral director or an embalmer and funeral director license and establishment license may be submitted to the board any time after October 1 of each year. When a licensed funeral establishment or individual licensee renews the license, should the check be deficient in any manner, the license shall be considered as non issued and a new application and fee must be submitted.

C. When the holder of an embalmer and funeral director or funeral director license has failed to renew his license on or before December 31 of each year, said license shall lapse and a new application and fee must be submitted. In any event, no license will be reinstated without a payment of all fees delinquent from date of lapse to date of reinstatement. Applicant may also be required to take a written Louisiana laws and regulations test.

D. When a licensed funeral establishment fails to renew its license on or before December 31 of each year, said license shall lapse. However, same may be reinstated provided that the applicant shall submit to an inspection; and, if the board is satisfied that the applying funeral establishment meets all requirements, it shall issue a license for the remaining portion of the current year upon payment of the application fee as established by the board.

E. As all license applications for an embalmer and funeral director, funeral director, or funeral establishments are received, the board will process same in a timely fashion and will begin mailing the licenses to the individuals and establishments so applying no later than December 15 of each year.

F. All individual crematory retort operator licenses issued by the board shall expire on the fifteenth day of May of each year and must be renewed on or before that date. All crematory licenses issued by the board shall also expire on the fifteenth day of May and must be renewed on or before that date. Applications for renewal of licenses must be made to the secretary of the board upon forms furnished by said board and must be accompanied by a renewal fee as established by the board.

G. Application for renewal of a crematory retort operator or crematory license may be submitted to the board anytime after February 15 of each year. When a licensed crematory or individual crematory retort operator renews the license, should the check be deficient in any manner, the license shall be considered as non issued and a new application and fee must be submitted.

H. When a crematory retort operator has failed to renew his license on or before May 15 of each year, said license shall lapse. If the crematory retort operator has failed to renew within the specified time, the license shall be considered as non issued and a new application and fee must be submitted. In any event, no license will be reinstated without a payment of all fees delinquent from date of lapse to date of reinstatement.

I. When a crematory has failed to renew its license on or before May 15 of each year, said license shall lapse. However, same may be reinstated provided that the applicant shall submit to an inspection; and, if the board is satisfied that the applying crematory meets all requirements, it shall issue a license for the remaining portion of the current year upon payment of the application fee as established by the board.

J. As all crematory retort operator and crematory authority applications are received, the board will process same in a timely fashion and will begin mailing the licenses to the individuals and the crematories so applying no later than May 1 of each year.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended December 1970, LR 4:227 (June 1978), LR 5:279 (September 1979), LR 11:687 (July 1985), LR 13:436 (August 1987), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 21:1237 (November 1995), LR 30:2820 (December 2004), LR 34:2399 (November 2008), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1536 (August 2017).

§703. Duplicate Certificate

A. Any person holding a certificate issued by this board and desiring a duplicate thereof, may obtain same from the secretary of the board upon application accompanied by a fee as established by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended December 1970, amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1537 (August 2017).

§705. License Not Assignable

A. No license shall be assignable or valid for any other person other than the original licensee. A corporation or firm may engage in funeral directing or embalming and hold out to the public that it is engaged in the business of funeral directing or embalming, when and only when, all embalming and funeral directing is performed by or under the direct and personal supervision of an embalmer or funeral director, duly licensed hereunder.

B. No individual licensed by this board shall be employed to perform the services of funeral directing or embalming as defined in R.S. 37:831 in any capacity for an establishment not licensed in this state.

C. No individual licensed by this board shall be employed to perform the services of cremation as defined in R.S. 37:831 in any capacity for a crematory not licensed in this state.

D. A corporation or firm may engage in the business of cremation and represent that it is engaged in the business of cremation, when and only when, all cremations are performed by or under the direct and personal supervision of a retort operator, duly licensed hereunder.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004).

§707. Reciprocal License Requirements

A. Any person desiring a temporary license for an embalmer and funeral director or funeral director license shall, before practicing, make application on forms furnished by the board. Said application shall be accompanied by a temporary license fee as established by the board, which is not refundable. If applicant meets all requirements, the secretary shall issue a temporary license. The board cannot, at its discretion, extend the temporary license period.

B. The temporary license entitles the licensee to practice embalming and/or funeral directing in this state. However, it shall become null and void if the original license is revoked, suspended, or lapsed.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and R.S. 37:842.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004), LR 42:404 (March 2016).

Chapter 9. Internship

§901. Requirements for an Embalmer and Funeral Director License

A. Any person desiring to engage in the practice of embalming and funeral directing in this state, except those holding a temporary license, shall serve as an intern within the state of Louisiana.

1. The employment of the intern at the funeral home may be verified by the board. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue, or, alternatively, some other official form used to verify employment which is acceptable to the board.

2. Any internship shall be considered stale/null and void and unavailable for consideration after the passage of 10 years.

3. The board-registered supervisor shall certify or verify the cases and the contact hours that the intern worked during the month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 16:769 (September 1990), amended LR 30:2823 (December 2004), LR 34:2400 (November 2008), LR 42:404 (March 2016), repromulgated by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1537 (August 2017).

§903. Requirements for Funeral Director License

A. Any person desiring to engage in the practice of funeral directing within this state, except those holding a temporary license, shall serve as an intern within the state of Louisiana.

1. The employment of the intern at the funeral home may be verified by the board. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment which is acceptable to the board.

2. Any internship shall be considered stale/null and void and unavailable for consideration after the passage of 10 years.

3. The board-registered supervisor shall certify or verify the cases and the contact hours that the intern worked during the month.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 19:744 (June 1993), LR 30:2823 (December 2004), LR 34:2400 (November 2008), LR 42:404 (March 2016).

§905. Application; Fee

A. Each intern shall make application to the board on prescribed forms, accompanied by a fee as established by the board and if found acceptable shall be registered as such and given an identification slip.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2824 (December 2004), LR 42:405 (March 2016).

§907. Affidavits Required

A. When tenure of internship is completed, an affidavit by both the intern and the person under whose supervision he or she served, shall be filed not later than 15 days with the board. Said affidavit shall list the number of bodies embalmed and/or funerals assisted in and the contact hours served.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2824 (December 2004), amended LR 42:405 (March 2016).

§909. Notification to Licensed Person

A. The secretary of the board, upon notification by the applicant, will inform the licensed person responsible for the supervision and the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the board for the application and enforcement of these rules and regulations.

B. Each intern is required to file a complete case report for each individual case handled during the internship which must be signed by the individual licensee who was supervisor of that case and must also file a monthly report providing the board with a summary of the cases worked during that period which shall be signed by the licensee designated as the supervisor of the intern. The report is due on the tenth day of the month and delinquent on the fifteenth day. Delinquent reports may result in the loss of credit for that month.

1. It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the Office of the Secretary on the date specified. Failure of the licensed supervisor to perform as agreed or to in any way falsify the records of the internship will cause a fine to be levied in accordance with the provisions of R.S. 37:850 for said violation.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:278 (September 1979), amended LR 11:946 (October 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:11 (January 1989), LR 30:2824 (December 2004), LR 42:405 (March 2016).

Chapter 11. Funeral Establishments

§1101. Application

A. Application for a funeral establishment license at a new facility shall be made upon the form provided by the board, sworn to by applicant and accompanied by a fee as established by the board at least two weeks prior to the projected opening of the funeral establishment. Said establishment shall meet the requirements as defined in R.S. 37:842. When an existing licensed establishment is sold or transferred, or in excess of 50 percent of the stock in a corporation holding an establishment license is sold or transferred, the purchaser must pay a fee as established by the board for a new license. The seller and the purchaser are required to notify the board with full information as to the sale within 10 days. Failure by either party to provide the board with notice, as herein set out, will bring about the suspension and/or revocation of the license of either or both parties.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended October 1969, February 1973, amended and promulgated LR 4:227 (June 1978), amended LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 21:1237 (November 1995), LR 30:2824 (December 2004).

§1103. Fixed Place; Extension of Funeral Establishment

A. The funeral establishment license is effective for a fixed place or location located upon a contiguous parcel of land, and for a specific name. Whenever the location or name of the licensed establishment is changed, a new license shall be obtained and a fee in an amount as established by the board must be paid. All changes of name and/or location must be reported to the board's secretary and the application process must be completed prior to making any changes.

B. The board will recognize a fixed business office to maintain records at a location other than the fixed location of the funeral establishment which shall be considered as an extension of the funeral establishment, and the records maintained within this extension shall be subject to the inspection of the board. Application for said extension to the funeral establishment shall be made upon the form provided by the board and shall be accompanied by a fee as established by the board. Any changes in the location of this extension must be reported to the board immediately.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended 1970, amended and promulgated LR 4:227 (June 1978), amended LR 5:278 (September 1979), LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 21:1237 (November 1995), LR 30:2825 (December 2004).

§1105. Charge of Funeral Establishment

A. All funeral establishments shall have a licensed funeral director designated as the manager of the facility and in charge of the day to day operations of the funeral home. The manager shall be available to perform all of the routine

functions of the licensed establishment as provided within the provisions of R.S. Title 37, Chapter 10, Section 831 et seq., within normal business hours. The manager shall personally carry out his responsibilities as defined within Paragraph 35 of Section 831 and/or as provided within the statute; and, to adequately serve the public, the manager shall reside within a 70 mile radius from the funeral establishment which the licensee is to manage.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 4:227 (June 1978), amended LR 4:295 (August 1978), LR 5:278 (September 1979), LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2825 (December 2004), LR 34:2401 (November 2008).

§1107. Inspection

A. Each funeral establishment shall be subject to inspection and shall comply with the following requirements.

1. Each establishment must have suitable and dignified quarters devoted to such activities incident or related to the care, the preparation, and arrangement for the burial, cremation, or other disposition of dead human bodies from which a funeral may be conducted.

2. It shall be the duty of the board or anyone designated by the board to inspect the establishment wherein licensed embalmers or funeral directors are practicing or propose to practice, to determine if proper and adequate facilities are provided.

B. Each establishment must meet all federal, state, and local requirements and must consist of and be inspected for an adequate facility containing:

1. display area for displaying funeral merchandise which shall consist of but not be limited to a minimum of six adult caskets of a variety of styles and quality;

2. an embalming room properly equipped and meeting all federal, state, and local regulations and shall meet the following requirements:

- a. floors of tile, cement, linoleum, or like composition, finished with a glazed surface or epoxy flooring;

- b. walls shall be finished with tile, or other material finished with enamel or other waterproof material;

- c. a sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with a sewer or other proper receptacle;

- d. hot and cold running water and a separate sink for disinfecting hands and instruments;

- e. a permanently installed backflow preventor for the hydro-aspirator;

- f. suitable sanitary plumbing which shall comply with the requirements of the Department of Health and Hospitals and Environmental Quality;

g. only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the preparation room. At no time shall it be used as a store room;

h. the room shall be properly ventilated and climate controlled and comply with federal, state and local laws or ordinances, and/or regulations. It shall be so designed that no deleterious odors be permitted to enter into any other part of the establishment or adjoining premises;

i. the embalming or preparation room shall be strictly private and no one shall be allowed therein while the body is being embalmed except the licensed embalmers and other authorized persons and officials in the discharge of their duties;

j. there shall not be any direct connection between the preparation or embalming room with the living quarters of a funeral establishment or rooms where food is customarily prepared and served. Its doors shall be closed and locked, unless in an area secure from public access, at all times and all of its operable windows must be screened as a safeguard to the public health;

k. each funeral establishment and each preparation or embalming room shall be maintained in a clean and sanitary condition at all times. All instruments and other appliances used in embalming dead human bodies shall be thoroughly cleansed immediately at the conclusion of each individual case;

l. each funeral establishment must have available in the preparation room or embalming room a register book or log. The name of each body embalmed, place (if other than at establishment), the date and time that the embalming took place, the name and signature of the embalmer and his license number must be noted in said book. This must be available at all times in full view for our inspector;

3. an arrangement office which shall afford privacy to the family while making arrangements;

4. restrooms, separate for men and women;

5. parlors or chapel, to comfortably accommodate at least 30 seated persons;

6. a climate control system sufficient to provide comfort to the public;

7. a private area to shield removal of remains from service vehicle and a covered area when exiting the facility to protect the casketed remains until placed in the hearse;

8. furnishings, equipment, and other facilities that meet the standards of the board; and

9. sufficient signage to be visible from the street.

C.1. All establishments, except as herein below provided, shall have layout, embalming, display, personnel, and facilities as required by this Chapter for funeral establishments.

2. Exceptions

a. The following auxiliary or branch establishments shall be subject to inspection and exempt from the above requirement except for R.S. 1107(B)(4), (5), (6), (8) and (9):

i. any establishment if it is within 40 miles radius of the main establishment and can be practically served by the licensed personnel of the main establishment;

ii. if said auxiliary or branch establishment exceeds 40 miles radius and there exists a public need for said facilities. The nonexistence of any funeral establishment which serves the public need shall be presumptive evidence of "public need."

D. Each funeral establishment licensed by the board shall keep a set of books or records showing the name of each body prepared for burial, the name of the licensed embalmer who did the embalming, the dates connected with death and burial, and other necessary information required by law. If and when a "trade embalmer" or outside embalmer is called in or performs embalming, it is required that a record of his services be kept showing his name and time when he was at the funeral establishment.

E. Any licensed funeral establishment in the state of Louisiana is hereby prohibited from sharing or permitting the use of said establishment, or from furnishing equipment for use therein, or from rendering personal service therein, or from, in any manner entering into any arrangement or agreement with any person, for and in the conduct of such business upon such premises, who is not himself maintaining a licensed funeral establishment.

F. No one licensed by this board shall be employed as a funeral director and/or embalmer by an unlicensed funeral establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended November 1972, February 1973, amended and promulgated LR 4:227 (June 1978), amended LR 4:295 (August 1978), LR 4:356 (September 1978), LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:191 (February 1994), LR 20:1380 (December 1994), LR 30:2825 (December 2004), LR 42:405 (March 2016), amended by Department of Health, Board of Embalmers and Funeral Directors, LR 43:1537 (August 2017).

§1109. Identification on Caskets

A. In compliance with the directives and the mandates as set forth within R.S. 37:853, and considering that various casket manufacturers have thoroughly researched and developed a methodology to properly preserve and display information concerning the identification of the human remains contained within their casket, all licensed funeral directors and/or embalmers and all licensed funeral establishment shall, in order to assist in the identification of caskets and/or the identification of human remains, utilize the recommendations of the individual casket manufacturer whose casket is used as the container into which the human remains are placed, in preserving and displaying the mandated

information regarding the name of the decedent, their date of death, and the funeral home involved in the service.

B. Should the casket manufacturer of the product used in the service not have a recommendation for a methodology to properly preserve and display the necessary information concerning the identification of human remains, then the licensed funeral directors and/or embalmers and licensed funeral establishments shall utilize any one of the products recommended by the casket manufacturers who have in fact researched and developed a proper system or methodology to properly preserve and display the mandated information concerning human remains, or alternative use a methodology submitted to and approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:853.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 33:283 (February 2007).

§1111. Closure of a Funeral Establishment

A. Upon the closure of a funeral establishment the license shall be returned to the board within a period of 15 days; the phone shall be disconnected within 15 days; and, any and all signs designating the building as a funeral establishment shall be removed or fully covered within 15 days; however, should the facility be a branch establishment, once the phone has been disconnected, the phone number may be reconnected with the main establishment and answered under the main establishment firm name.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 34:2401 (November 2008).

§1113. Sign(s) on Vacant Lots

A. Within one year of the erection of a sign stating "Opening Soon", "Soon to Open", etc., there shall be ongoing construction or completion shall be anticipated within one year or the sign shall be removed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 34:2400 (November 2008).

Chapter 12. Crematories

§1201. Application

A. Application for a crematory license at a new facility shall be made upon the form provided by the board, sworn to by applicant and accompanied by a fee as established by the board and must be submitted to the board at least two weeks prior to the projected opening of the crematory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

§1203. Fixed Place

A. The license is effective for a fixed place, and for a specific name. Whenever the location or name of the license crematory is changed, a new license shall be obtained and a fee in an amount as established by the board must be paid. All changes of name and/or location must be reported to the board's secretary and the application process must be completed prior to making any changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

§1205. Charge of Crematory

A. All crematories must have a licensed crematory retort operator responsible for the day to day operations of the crematory. He must be available to perform all of the routine functions of the crematory as provided within the provisions of R.S. Title 37, Chapter 10, Section 831 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

§1207. Inspection

A. Each crematory shall be subject to inspection and shall comply with the following requirements:

1. each crematory must have suitable and dignified facilities and equipment devoted to the cremation of dead human bodies;

2. it shall be the duty of the board or anyone designated by the board to inspect the crematory to determine if proper and adequate facilities and equipment are provided.

B. Each crematory must consist of and be inspected for an adequate building as defined within the statutes which shall be designated for the short term retention of the human remains; a properly operating retort; a processing and/or pulverization unit to complete the cremation process; and, adequate facilities to hold the human remains and maintain all records as required by R.S. 37:831 et seq.

C. The crematory shall work in concert with the funeral home so that the provisions of R.S. 37:848 and Chapter 26, §103 are met.

D. In addition to the various records required by the statutes, the crematory must maintain a log reflecting the name of each body received, the date and time that the body was received, the date and time the cremation began and was completed. The name and signature of the crematory retort operator must be noted within said log book. This must be available at all times in full view for the board's inspector.

E. The crematory shall also meet the following requirements:

1. all equipment and supplies necessary and incidental to the cremation process shall be kept in the crematory. At no

time shall the retort and/or the holding facility or any part thereof be used as a store room;

2. the crematory shall be properly ventilated and comply in respect to ventilation with state and local laws or ordinances and regulations. It shall be so ventilated so that no deleterious odors be permitted to enter into any other part of the crematory or adjoining premises;

3. the crematory shall be maintained in a clean and sanitary condition at all times.

F. No one licensed by this board shall be employed as a crematory retort operator by an unlicensed crematory.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

Chapter 13. Prohibited Practices

§1301. Pressure Sales Tactics

A. The use of pressure sales tactics and/or plans, including but not limited to a bait and switch plan, and/or a sales commission plan by a funeral establishment or by anyone in their employ or by anyone acting on their behalf, in the sale of merchandise or services shall be an unethical and/or deceptive practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:388 (December 1979), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

§1303. Unlawful Practice

A. It shall be unlawful for a firm, partnership, corporation, an association of individuals, or anyone other than those individuals licensed under Title 37, Chapter 10, Articles 831 et seq., to engage in funeral directing, embalming or cremation as defined within Article 831 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:848.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 8:189 (April 1982), amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 15. Transportation

§1501. Container Required for Transporting

A. In order to comply with the proper handling of a dead human body, a funeral director, when required to transport that body for disposition, shall transport the remains in a container that eliminates direct contact by those not licensed to handle the dead and to offer protection to those who might accidentally come in contact with said body.

B.1. No section of this regulation shall be interpreted to prohibit transportation of dead human bodies without the use

of a container as specified in Subsection A hereof, in closed vehicles designed exclusively for the transportation of dead human bodies.

2. When remains are transported by airline or any other common carrier, the remains must be in a closed container as provided in Subsection A herein above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 17. Prepaid Funeral Services or Merchandise

§1701. Reports on Prepaid Funeral Services or Merchandise

A. The report required by R.S. 37:861 from licensed funeral establishments engaged in the selling of prepaid funeral services or merchandise is necessary only in those instances where funds have actually been paid to or received by a licensed funeral establishment for such services or merchandise. The purpose of requiring such report is to protect purchasers of prepaid funeral services or merchandise by insuring that funds, paid by a purchaser to a licensed funeral establishment, are utilized solely for his exclusive use and benefit. Prearrangements of funerals by licensed funeral establishments, which are unfunded, are not within the scope of R.S. 37:861, and, accordingly, no report is required in these instances.

B. The report shall be in such form and contain such information as is prescribed by R.S. 37:861(A)(1) and shall be filed by each licensed funeral establishment engaged in the selling of prepaid funeral services or merchandise no later than December 31 of each year, and shall cover the period from October 1 of the previous year to and including September 30 of the year in which the report is due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:861.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 8:188 (April 1982), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

§1703. Instructions Need to Change Cash Deposited in a Pre-Need Account

A. In the event a funeral establishment desires to transfer cash deposited in a pre need account through their firm the following steps shall be adhered to:

1. written notification shall be sent via certified mail to each consumer advising of the proposed change in funding for their pre need arrangement and requesting authorization for said transfer;

2. upon receipt of written authorization for transfer from consumer transfer can take place;

3. if requested, pre need cash deposited in a pre need account shall be refunded to those who request same; or

4. if authorization for transfer is not given/received for any reason, the funeral establishment shall maintain funds on deposit in the bank or savings and loan where originally deposited; or, alternatively to obtain a final judgment of the district court of the parish in which the funeral establishment is situated to transfer the pre need funds if the required consent of the consumer cannot be obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 34:2401 (November 2008).

Chapter 19. Survivor's Clause

§1901. Survivor's Clause

A. A survivor of the proprietor or the widow of the principal share holder of a funeral establishment can be issued a special work permit in a managerial position. Permit must be applied for within 60 days after death of spouse. Said permit is to be issued for a period not to exceed 12 months following approval of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:842.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 20. Fees

§2001. Fees

A. The board shall require payment of fees hereunder as follows:

1. a fee of \$250 from each person applying for a funeral director license;

2. a fee of \$250 from each person applying for an embalmer and funeral director license;

3. a fee of \$250 from each person applying for a crematory retort operator license;

4. a fee of \$80 for the annual renewal of each of the licenses listed in Paragraphs 1, 2, and 3 of this Section;

5. a fee of \$1,000 for each funeral establishment applying for a license to operate within this state;

6. a fee of \$1,000 for each crematory applying for a license to operate within this state;

7. a fee of \$700 for the annual renewal of each of the licenses listed in Paragraphs 5 and 6 of this Section;

8. a fee of \$500 for each inspection or re-inspection of a funeral establishment applying for an initial license to operate within this state or as a result of a location, or an ownership change;

9. a fee of \$500 for each inspection or re-inspection of a crematory applying for a license to operate within this state or as a result of a location, or an ownership change;

10. a fee of \$100 from each person applying for an internship;

11. a fee of \$100 from each person applying for a duplicate certificate;

12. a fee of \$100 from each person applying for a temporary license within this state;

13. a fee of \$100 from each sponsor/presenter applying for approval of a continuing education program; and

14. a fee for a business office of \$400.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and 37:845.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004), amended LR 42:405 (March 2016), amended by the Department of Health, Board of Embalmers and Funeral Directors, LR 43:1537 (August 2017).

Chapter 21. Rulemaking Process

§2101. Procedure to Follow

A. The board must follow the procedure outlined in the Administrative Procedure Act to adopt, amend or repeal any of the existing rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 11:688 (July 1985), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

§2103. Amending Sections

A. These rules and regulations may be added to, changed, altered or amended by a favorable vote of five members of the board, when said additions, changes, alterations or amendments have been presented by a member of the board, at a regular or called meeting of same. They shall be received and all members notified 30 days in advance of the proposed additions, changes, alterations or amendments before final action can be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

§2105. Repeal of Rules

A. All rules and regulations previously adopted by this board are hereby repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors,

August 1966, amended LR 11:688 (July 1985) repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

Chapter 23. Injunction Proceedings; Penalty

§2301. Injunction Proceedings

A. The board may bring legal proceedings to enjoin a person or establishment violating the rules and regulations of this board from practicing the science of embalming or conducting the business of funeral directing or operating a funeral establishment, as may be the case, until such person complies with the requirements of these rules and regulations. The injunction, if granted, shall not be suspended by bond or appeal and the person or establishment enjoined shall be cast for attorney fees and court costs.

B. The board may also bring legal proceedings to enjoin a person or crematory violating the rules and regulations of this board from operating a crematory retort or a crematory, as may be the case, until such person and/or crematory complies with the requirements of these rules and regulations. The injunction, if granted, shall not be suspended by bond or appeal and the person or crematory enjoined shall be cast for attorney's fees and court costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:850.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004), LR 34:2400 (November 2008).

§2303. Penalty

A. Whoever violates the provisions of these rules and regulations shall be fined not less than \$500 nor more than \$2,500 for each offense, plus costs of the hearing and the attorney for the board.

B. If a firm or association violates the provisions of these rules and regulations, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty. If a corporation violates said provisions, the members of the corporation who knowingly violate said provisions shall be subject to the penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:850.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended LR 11:688 (July 1985), LR 12:677 (October 1986), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

§2305. Continuance of Hearings; Release of Witness from Subpoena

A. Based on circumstances presented, the president of the board shall be authorized to grant a continuance of formal hearings or informal meetings scheduled by the board and to release an individual from the obligation to appear as ordered by the subpoena authority of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors LR 34:2400 (November 2008).