

ARTICLE 2. GENERAL PROVISIONS

Rule 1. Definitions, Fees, and Reports

832 IAC 2-1-1 Definitions

Authority: IC 25-15-9-8

Affected: IC 23-14-31; IC 25-15-2-6; IC 25-15-2-8

Sec. 1. (a) The definitions in IC 25-15-2 and this section apply throughout this title.

(b) "Authorizing agent" has the meaning set forth in IC 23-14-31-2.

(c) "Board" means the state board of funeral and cemetery service.

(d) "Cremation" means the incineration of human remains, consistent with IC 23-14-31-8 and IC 25-15-2-6.

(e) "Cremation chamber" means the enclosed spaced where a cremation occurs, consistent with IC 23-14-31-9.

(f) "Distance learning method", for the purpose of 832 IAC 4-1, means a formal, interactive, verifiable learning exercise where:

(1) a practitioner and instructor are separated by geography or time, or both, for the majority of the instructional period; and
(2) materials are delivered through:

(A) print;

(B) audio;

(C) video;

(D) broadcasts;

(E) computer software;

(F) web-based programs; or

(G) other online technologies.

(g) "Human remains" has the meaning set forth in IC 23-14-31-16 and IC 25-15-2-8.

(h) "Licensee" means a person or entity licensed by or registered with the board.

(i) "Major stockholders" means those stockholders owning more than ten percent (10%) of the voting stock of any corporation.

(j) "Nonhuman remains" means the body of an animal other than a human. (*State Board of Funeral and Cemetery Service; 832 IAC 2-1-1; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1366; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA*)

832 IAC 2-1-2 Fees

Authority: IC 25-1-8-2; IC 25-15

Affected: IC 25-1-8-6

Sec. 2. (a) The fee for application/issuance of a funeral home license under IC 25-15-4-1(3) is fifty dollars (\$50).

(b) The fee for application/issuance of a funeral director intern license under IC 25-15-4-2(a)(5) is twenty-five dollars (\$25).

(c) The fee for application/issuance of a funeral director license under IC 25-15-4-3(b)(7) is fifty dollars (\$50).

(d) The fee for application/issuance of a funeral director license by reciprocity under IC 25-15-4-5 is fifty dollars (\$50).

(e) The fee for application/issuance of a courtesy card under IC 25-15-10 is one hundred fifty dollars (\$150).

(f) The fee to renew a funeral home or funeral branch location license under IC 25-15-6-2 is fifty dollars (\$50).

(g) The fee to renew a funeral director license or embalmer license under IC 25-15-6-3 is fifty dollars (\$50).

(h) The fee to renew a courtesy card under IC 25-15-10 is one hundred fifty dollars (\$150).

(i) Five dollars (\$5) of every fee collected under subsections (a) through (f) shall be deposited in the funeral service education fund.

(j) The fee to renew a funeral director intern license under IC 25-15-4-2(a)(5) is twenty-five dollars (\$25).

(k) All applicants for any examination administered by the board shall pay a fee of fifty dollars (\$50). The same fee shall be paid for the second and all subsequent examinations. All applicants for an examination provided or administered by a professional examination service shall pay the examination or reexamination fee assessed by the professional examination service directly to the professional examination service.

(l) Fees for reinstatement of an expired license shall be paid in accordance with IC 25-1-8-6. (*State Board of Funeral and Cemetery Service; 832 IAC 2-1-2; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1367; errata, 9 IR 1380; filed Aug 27, 1987, 2:30 p.m.: 11*

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IR 93; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1900; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed May 20, 1993, 5:00 p.m.: 16 IR 2422; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3100; errata filed Sep 23, 1996, 3:05 p.m.: 20 IR 333; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; filed Mar 28, 2003, 9:45 a.m.: 26 IR 2622; filed Feb 12, 2007, 3:53 p.m.: 20070314-IR-832060112FRA; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; filed Dec 22, 2014, 3:42 p.m.: 20150121-IR-832140182FRA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)

832 IAC 2-1-3 Annual report

Authority: IC 25-15-9-8

Affected: IC 25-15-8-2

Sec. 3. The annual report of all funeral home licensees is due by the 31st day of December of each calendar year for the period ending November 30 of the same year. No annual report is due during the calendar year when a funeral home is initially licensed. The completion and filing of a license renewal application shall satisfy the annual report requirement for the calendar year of renewal. *(State Board of Funeral and Cemetery Service; 832 IAC 2-1-3; filed Jan 30, 1986, 2:23 pm: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)*

832 IAC 2-1-4 Notice of changes in circumstances

Authority: IC 25-15-9-8

Affected: IC 25-15-8-2; IC 25-15-8-6

Sec. 4. (a) A licensee shall submit an application for a new license if there is any change in the legal entity.

(b) A "change in the legal entity" under subsection (a) includes, but is not limited to:

- (1) a corporation receiving a new charter from the secretary of state;
- (2) the creation of a new corporate entity that results in the change in federal employer identification number;
- (3) a change in control of a corporation through new major stockholder;
- (4) a change in ownership of a sole proprietorship;
- (5) a change from a sole proprietorship to a corporation;
- (6) a change of partner in a partnership;
- (7) a partnership is ended and a new partnership is formed;
- (8) a change from corporation to sole proprietorship or partnership; or
- (9) the creation, or modification from prior entity status, of a limited liability partnership or a limited liability company or corporation.

(c) An applicant for a funeral home license, either to be issued to a new funeral home or as the result of a change in funeral home location, shall be submitted to the board thirty (30) days prior to the initial date of expected operation in order to permit the board to satisfy the requirements of 832 IAC 5-1-1.1. *(State Board of Funeral and Cemetery Service; 832 IAC 2-1-4; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)*

832 IAC 2-1-5 Notifications

Authority: IC 25-15

Affected: IC 25-15-8

Sec. 5. (a) All notifications to the board as required by law, including affidavits, must be in writing and on forms prescribed by the board.

(b) Notifications include the following:

(1) A funeral director or funeral director intern must do the following:

- (A) Register with the board the name and address of the funeral home in which he or she is performing services or is

an agent.

(B) Notify the board and cancel the registration described in clause (A) within thirty (30) days of ceasing to perform services in or for the funeral home.

(C) Notify the board of any change of name or residential address within thirty (30) days after the change.

(2) A funeral director must file an affidavit with the board as follows:

(A) Acknowledging that the funeral director is the manager of a funeral home.

(B) Within thirty (30) days of ceasing to act as the manager of a funeral home.

(State Board of Funeral and Cemetery Service; 832 IAC 2-1-5; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)

Rule 2. Licensee Obligations

832 IAC 2-2-1 Confidential information

Authority: IC 25-15-9-8

Affected: IC 25-15-8-4

Sec. 1. A licensee shall neither discuss the confidential and private matters or secrets of the domestic life of any family he or she may be called upon to serve, nor cause the dissemination of the same in such a way as to violate the privacy of the family served.

(State Board of Funeral and Cemetery Service; 832 IAC 2-2-1; filed Jan 30, 1986, 2:23 pm: 9 IR 1367; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)

832 IAC 2-2-2 Cremation; burial permit required; written authority

Authority: IC 25-15-9-8

Affected: IC 23-14-31; IC 25-15-8-1

Sec. 2. The disposal of human remains by licensees shall be in strict compliance with applicable law. In the event disposition is to be cremation, a burial permit shall be obtained for and in connection with the cremation. No licensee shall directly or indirectly participate in the cremation of human remains without first having obtained a burial permit and written authority from the authorizing agent to cremate the decedent. *(State Board of Funeral and Cemetery Service; 832 IAC 2-2-2; filed Jan 30, 1986, 2:23 p.m.: 9 IR 1368; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)*

832 IAC 2-2-2.1 Simultaneous cremation; unauthorized activity

Authority: IC 25-15-9-8

Affected: IC 23-14-31-39

Sec. 2.1. (a) Except as permitted by IC 23-14-31-39, human remains of more than one (1) individual shall not be simultaneously cremated within the same cremation chamber.

(b) Nonhuman remains shall not be simultaneously cremated with human remains within the same cremation chamber as used for human remains. *(State Board of Funeral and Cemetery Service; 832 IAC 2-2-2.1; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198FRA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA)*

832 IAC 2-2-3 Embalming rooms; embalming procedure

Authority: IC 25-15-9-8

Affected: IC 25-15-2-9; IC 25-15-2-17

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Sec. 3. (a) Human remains shall not be in any way prepared for disposition by a licensee except in an approved embalming room. To be approved as an embalming room the same must meet the requirements of these rules and regulations. The room shall be located in a licensed funeral home, a school, college, or department of mortuary science engaging in proper instruction and approved for such instruction by the board, or temporary locations approved by the state board of health of Indiana, a county coroner, or a local board of health of Indiana or officer thereof.

(b) Human remains donated to the state anatomical board [*Under P.L.238-1987, SECTION 4, a reference to the state anatomical board is considered a reference to the anatomical education program.*] shall be embalmed as required by the state anatomical board [*Under P.L.238-1987, SECTION 4, a reference to the state anatomical board is considered a reference to the anatomical education program.*].

(c) Those licensees performing the embalming procedure shall be required to utilize protective devices, such as gloves, outer protective gowns, etc., and such other means to adequately protect the licensee.

(d) A licensee must dispose of human remains in accordance with directives of the Indiana state board of health and local health officials.

(e) Nothing in this section shall be interpreted to require embalming if the next-of-kin does not authorize embalming. (*State Board of Funeral and Cemetery Service; 832 IAC 2-2-3; filed Jan 30, 1986, 2:23 pm.: 9 IR 1368; filed Mar 13, 1987, 8:30 am.: 10 IR 1701; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA*)

832 IAC 2-2-4 Professional conduct

Authority: IC 25-15-9-8

Affected: IC 25-15

Sec. 4. No licensee shall permit or engage in:

(1) the use of drugs or the consumption of alcohol or any other substance of similar nature that would affect the ability of a licensee to perform the duties and services for which he is licensed;

(2) the practice of funeral services except as the agent of a licensed funeral home either as an owner, employee, or under a written agreement. Nothing herein shall be construed to restrict preneed agents or cemeteries from performing duties and functions as provided by law;

(3) refusal to promptly surrender the custody of human remains upon the express order of the person who is authorized by Indiana law to make arrangements;

(4) failure to secure permit for removal or burial of human remains prior to interment or other disposal;

(5) obtaining possession or embalming human remains without first being duly authorized to do so by a relative of the deceased person or a person legally entitled to authorize such possession or embalming;

(6) directing, allowing, or permitting any individual or person who is not a licensee to perform funeral services, as defined in IC 25-15-2-17 to the extent not otherwise exempt under IC 25-15-2-10. This prohibition does not extend to the sale of funeral goods as defined in IC 25-15-2-14;

(7) a violation of any part of IC 25-15-2 thru and including IC 25-15-8 or any part of the regulations promulgated thereunder. (*State Board of Funeral and Cemetery Service; 832 IAC 2-2-4; filed Aug 6, 1986, 10:10 a.m.: 9 IR 3092; readopted filed May 10, 2001, 2:39 p.m.: 24 IR 3236; readopted filed Jul 19, 2007, 12:52 p.m.: 20070808-IR-832070048RFA; filed Mar 11, 2013, 2:50 p.m.: 20130410-IR-832120198RFA; readopted filed Nov 25, 2013, 9:23 a.m.: 20131225-IR-832130288RFA; readopted filed Nov 27, 2019, 3:13 p.m.: 20191225-IR-832190184RFA*)

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