

Laws, Rules & Regulations
Of The
Kentucky Board of Embalmers & Funeral Directors
Governing Embalming & Funeral Directing

Adopted by the Kentucky Board of Embalmers and Funeral Directors pursuant to and under the authority of an act of the 1960 General Assembly of Kentucky, amending Chapter 316 of the Kentucky Revised Statutes, and published for the guidance and instruction of all Funeral Directors and Embalmers who hold a license to practice Embalming or Funeral Directing, or both, in Kentucky, and recognition by the State Board of Health for the burial and transportation of dead human bodies.

Chapter 316 of the Kentucky Revised Statutes

316.010 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

1. “Apprentice” means a person engaged in learning the practice of embalming or funeral directing who is under the instruction and personal supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director;
2. “Board” means the Kentucky Board of Embalmers and Funeral Directors;
3. “Direct burial” means the pick-up, transport, and interment of a dead human body or body parts without a funeral;
4. “Embalmer” means a person who preserves, restores, and disinfects dead human bodies by the application of chemical substances either externally or internally, or both;
5. “Embalming service establishment” means a place of business where dead human bodies are embalmed or otherwise prepared or held for burial, including the transportation of the bodies. An embalming service establishment shall not arrange or conduct a funeral or direct burial. An embalming service establishment may arrange for and transport dead human bodies for direct cremation purposes only under the following circumstances:
 - a. On behalf of a full-service funeral establishment;
 - b. On behalf of a visitation and ceremonial funeral establishment; or
 - c. At the direction of a coroner;
6. “Funeral” means the ceremonies or services related to the final disposition and interment of a human body or body parts;

7. “Full-service funeral establishment” means a place of business where dead human bodies may be embalmed or otherwise prepared and held for burial and where funeral services may be arranged, provided, and conducted;
8. “Funeral director” means a person who, for profit, engages in or represents himself or herself as engaged in the supervision, direction, and arrangement of funeral services, transportation, burials, and disposals of dead human bodies;
9. “Funeral establishment” or “establishment” means:
 - a. A full-service funeral establishment;
 - b. An embalming service establishment; or
 - c. A visitation and ceremonial funeral service establishment;
10. “Memorial service” means a ceremony or service held in honor of a deceased human being at which there are no human remains, as defined in KRS 367.97501(13) present, and for which no license is required;
11. “Person,” as used in this chapter, includes but is not limited to an individual, partnership, firm, association, or corporation;
12. “In use” means that funeral directing or embalming is taking place in a funeral establishment;
13. “Courtesy card” means a card that is issued by the board to a funeral director or an embalmer from another state that gives the director or embalmer permission to receive and transport a dead human body to and from Kentucky for a funeral and to conduct funeral services and burials in Kentucky;
14. “Supervision” means responsibility for the professional activities of the funeral establishment that requires a Kentucky-licensed funeral director or a Kentucky-licensed embalmer, as appropriate, to be on the premises when the funeral establishment is in use. If the Kentucky-licensed funeral director or the Kentucky-licensed embalmer is unable to be on the premises due to a reasonable circumstance, then the Kentucky-licensed funeral director or the Kentucky-licensed embalmer shall be within a reasonable proximity to the funeral establishment so that upon contact the funeral director or embalmer is able to immediately return to the funeral establishment; and
15. “Visitation and ceremonial funeral service establishment” means a location from which a funeral establishment may provide all services except embalming within either the same or adjoining county as that served by an affiliated full-service funeral establishment. The visitation and ceremonial funeral service establishment shall be owned in whole or in part by the affiliated full-service funeral establishment, and shall be located sufficiently close to the full-service funeral establishment to share administration and services in a manner that renders it unnecessary for the visitation and

ceremonial funeral service establishment to independently meet the minimum licensure requirements for a full-service funeral establishment. A full-service funeral establishment may own and operate more than one (1) visitation and ceremonial funeral service establishment

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 112, sec. 1, effective July 12, 2006.—
Amended 1998 Ky. Acts ch. 90, sec.1, effective July 15, 1998.—
Amended 1996 Ky. Acts ch. 149, sec. 1, effective July 15, 1996.—
Amended 1984 Ky. Acts ch. 82, sec. 1, effective July 13, 1984.—
Amended 1960 Ky. Acts ch. 52, sec. 1, effective June 16, 1960—
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942,
from Ky. Stat. sec. 1599a-1.

**316.030 Embalmer's license – Qualifications – Funeral director's license --
Qualifications – Restriction on place of practice – Apprenticeship.**

1. No person shall engage in, or attempt to engage in, embalming or funeral directing in the Commonwealth of Kentucky unless the person is licensed under the provisions of this chapter.
2. All Kentucky-licensed persons who practice embalming or funeral directing in Kentucky shall practice from a funeral establishment that is licensed to operate under the provisions of this chapter.
3. One (1) member of every firm, and one (1) officer and one (1) stockholder of every corporation, that engages in embalming and funeral directing in Kentucky, shall be a Kentucky-licensed embalmer and a Kentucky-licensed funeral director.
4. One board shall issue an embalmer's license to an applicant who:
 - a. Is at least eighteen (18) years of age;
 - b. Is of good moral character;
 - c. Has graduated from high school or possesses a High School Equivalency Diploma;
 - d. Has received an associate degree in funeral services from a college or university accredited by the American Board of Funeral Service Education;
 - e. Has served an apprenticeship of one (1) year in a Kentucky funeral establishment under the supervision of a Kentucky-licensed embalmer;
 - f. Has taken an active part during the apprenticeship in assisting with the embalming of at least twenty-five (25) dead human bodies under the direct supervision of a Kentucky-licensed embalmer;
 - g. Has paid to the board an examination fee of seventy-five dollars (\$75); and

- h. Has passed an examination prepared or approved by the board.
5. The board shall issue a funeral director's license to an applicant who:
 - a. Is at least eighteen (18) years of age;
 - b. Is of good moral character;
 - c. Has graduated from high school or possesses a High School Equivalency Diploma;
 - d. Has served an apprenticeship of three (3) consecutive years in a Kentucky funeral establishment under the supervision of a Kentucky-licensed funeral director. An associate degree in funeral services from a college or university accredited by the American Board of Funeral Service Education shall substitute for two (2) years of the apprenticeship. The completion of thirty (30) semester credit hours or the equivalent from an accredited college or university shall substitute for one (1) year of the apprenticeship. At no time shall more than two (2) years of the apprenticeship be substituted;
 - e. Has taken an active part during the apprenticeship in assisting with the management of at least twenty-five (25) funerals under the direct supervision of a Kentucky-licensed funeral director;
 - f. Has paid to the board an examination fee of seventy-five dollars (\$75); and
 - g. Has passed an examination prepared or approved by the board.
6. An applicant may serve embalming and funeral directing apprenticeships concurrently.
7. At the beginning of an apprenticeship, an applicant for an embalmer's or a funeral director's license shall:
 - a. Appear before the board;
 - b. Pay to the board a registration fee of thirty dollars (\$30); and
 - c. File with the board the sworn statement of the supervising Kentucky-licensed embalmer or the Kentucky-licensed funeral director averring that the applicant will work full-time under supervision in the funeral establishment and will receive a regular salary.
8. An applicant shall work full-time in the funeral establishment during the apprenticeship and shall receive a regular salary.
9. An applicant shall file with the board a semiannually during the apprenticeship sworn statements by the applicant and the supervising Kentucky-licensed embalmer or Kentucky-licensed funeral director setting out the number of hours worked, the number of embalmings or funerals in which the applicant has assisted, and the salary received.

10. A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not supervise more than five (5) applicants serving apprenticeships at any one (1) time.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 69, sec. 1, effective July 13, 2004.—
Amended 1996 Ky. Acts ch. 149, sec. 2, effective July 15, 1996.—
Amended 1988 Ky. Acts ch. 125, sec. 4, effective July 19, 1988.—
Amended 1970 Ky. Acts ch. 120, sec. 9.—Amended 1960 Ky. Acts ch. 52, sec. 3, effective June 16, 1960.—Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-7.

316.125 Funeral establishment license – Application – Fee – Each Funeral establishment to be licensed separately – Supervision.

1. No person shall operate a full-service funeral establishment, a visitation and ceremonial funeral service establishment, or an embalming service establishment in the Commonwealth of Kentucky without first obtaining the applicable establishment license issued by the board.
2. The board shall issue the appropriate establishment license to an applicant who:
 - a. Has paid to the board an establishment license fee, not to exceed two hundred dollars (\$200), as set out in the administrative regulations promulgated by the board; and
 - b. Has filed with the board a sworn statement that sets out the following:
 1. Name of the funeral establishment;
 2. Address of the funeral establishment;
 3. Type of funeral establishment'
 4. Owners of the funeral establishment, indicating which owners are licensed by the board; and
 5. Name and address of the Kentucky-licensed embalmer or Kentucky-licensed funeral director who will supervise the funeral establishment pursuant to subsection (4) of this section.
3. Each funeral establishment shall be licensed separately from any other funeral establishment.
4. Each funeral establishment, when in use, shall be under the supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director.
5. A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not supervise more than one (1) funeral establishment at the same time.
6. The funeral establishment shall display in a public place in the establishment its establishment license and the license of the embalmer or funeral director who supervises the establishment pursuant to subsection (4) of this section.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 112, sec. 2, effective July 12, 2006.—

Amended 1998 Ky. Acts ch. 90, sec. 2, effective July 15, 1998.—
Amended 1996 Ky. Acts ch. 149, sec. 3, effective July 15, 1996.—
Created 1984 Ky. Acts ch. 82, sec. 4, effective July 13, 1984.

316.127 Licensing for establishments existing before July 12, 2006.

1. A funeral establishment licensed on July 12, 2006, that meets the definition of a full-service funeral establishment shall be issued a license as a full-service funeral establishment. This license shall be effective until the date that the funeral establishment's former license would have expired. The funeral establishment shall be required to make an application for renewal under this chapter as a full-service funeral establishment.
2. A funeral establishment licensed on July 12, 2006, that meets the definition of an embalming service establishment shall be issued a license for an embalming service establishment. This license shall be effective until the date that the funeral establishment's former license would have expired. The funeral establishment shall be required to make an application for renewal under this chapter as an embalming service establishment.
3. A funeral establishment licensed on July 12, 2006, that does not meet the definition of a full-service funeral establishment or embalming service establishment shall be issued a license for a visitation and ceremonial funeral service establishment. This license shall be renewable as a visitation and ceremonial funeral service establishment license for the entire time of the establishment's existence, subject to the restrictions of subsection (4) of this section, or until the board approves the establishment's application for another type of establishment license.
4. A visitation and ceremonial funeral service establishment that is licensed as a funeral establishment prior to July 12, 2006, shall be exempt from the requirement of ownership in whole or in part by an affiliated full-service funeral establishment. This exemption shall lapse if the visitation and ceremonial funeral service establishment is sold, ceases to exist, or engages in any activity that changes its license.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 112, sec. 3, effective July 12, 2006.

316.130 Expiration date of license – Renewal – Continuing education required for renewal – Fee – License not transferable.

1. No license granted under this chapter shall be issued or renewed for a period exceeding one (1) year. Every license and renewal shall expire on July 31 following the date of its issuance unless sooner revoked, surrendered, or canceled.

2. A person may renew an embalmer's license or funeral director's license by paying to the board a renewal fee, not to exceed one hundred dollars (\$100), as set out in administrative regulations promulgated by the board.
3. Except for the first licensure renewal following the issuance of an original license by the board, as a prerequisite for license renewal, every Kentucky-licensed embalmer and every Kentucky-licensed funeral director shall attend a minimum of twelve (12) hours every two (2) years in a continuing education program or programs approved by the board. Of these twelve (12) hours, a minimum of six (6) hours shall be attained from programs attended in a live, interactive, in-person format. Upon application to the board, the board may exempt a licensee from the continuing education requirements of this section if the applicant demonstrates that meeting the continuing education requirements of this section would work an undue hardship because of disability, illness, or other clearly mitigating circumstances, or if the applicant is seventy (70) years of age or older and is not actively involved in embalming or funeral directing. The board may use a portion of the annual license renewal fees for the purpose of contracting with accredited educational institutions, professional organizations, or other qualified persons to provide educational programs that meet this continuing education requirement.
4. A licensed funeral establishment may renew its license by paying to the board a renewal fee equal to the establishment license fee.
5. Any renewal not received by the board prior to July 31 will be assessed a late fee, not to exceed the amount of the renewal fee, as set out in administrative regulations promulgated by the board.
6. A license granted under this chapter shall not be transferable.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 115, sec. 1, effective July 12, 2012 -
Amended 1996 Ky. Acts ch. 149, sec. 4, effective July 15, 1996 -
Amended 1990 Ky. Acts ch. 86, sec. 2, effective July 13, 1990 -
Amended 1988 Ky. Acts ch. 125, sec. 8, effective July 15, 1988 -
Amended 1984 Ky. Acts ch. 82, sec. 2, effective July 13, 1984 -
Amended 1978 Ky. Acts ch. 313, sec. 4, effective June 17, 1978
Amended 1964 Ky. Acts ch. 121, sec. 1. -
Amended 1960 Ky. Acts ch. 52, sec. 13. -
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from
Ky. Stat. secs. 1599a-9. 1599a-10.

316.131 Reinstatement of expired license.

1. The board may reinstate an embalmer's or a funeral director's license that has expired for failure to renew within three (3) years of the license's

expiration if the applicant for reinstatement pays a late fee and the renewal fees for the period during which the license was expired and provides proof that the applicant has met the cumulative continuing education requirements for the period during which the license was expired.

2. The board may reinstate an embalmer's or funeral director's license that has expired for failure to renew more than three (3) years after the license's expiration if the applicant for reinstatement pays a late fee and the renewal fees for the period during which the license was expired, provides proof that the applicant has met all the cumulative continuing education requirements for the period during which the license was expired, and demonstrates that the applicant is able to practice embalming or funeral directing with reasonable competence. The board may require the person to pass an examination to determine competency.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 149, sec. 6, effective July 15, 1996.

316.132 Continuing education courses – Sponsors – Board approval – Certification of attendance.

1. Continuing education hours for credit may be compiled in the following areas:
 - a. Cassette and audiovisual presentations;
 - b. Professional seminars;
 - c. Accredited schools participating in continuing education programs;
 - d. Professional association-sponsored programs;
 - e. Correspondence courses;
 - f. Continuing education television series; or
 - g. Other programs as approved by the board.
2. Sponsors of continuing education programs shall be responsible for obtaining from the board accreditation for their respective continuing education programs.
3. Sponsor means any person, school, association, company, corporation, or group who wishes to develop and present a continuing education program.
4. Sponsors of continuing education programs shall submit a program schedule and outline to the board not less than thirty (30) days prior to the date of the program, including the following information:
 - a. The name of the course;
 - b. The name of the sponsoring organization;
 - c. The objectives of the program;
 - d. The number of hours over which the educational program will be presented and the dates presented;

- e. The names of the instructors and speakers and their educational background and other relevant qualifications;
 - f. The location at which the program will be presented; and
 - g. The name and address of the person authorized to certify attendance at the program.
5. Board approval of continuing education programs shall be determined on the following basis:
 - a. If the program is likely to contribute to the advancement and extension of professional knowledge and skill in the practice of funeral service;
 - b. If the speakers, lecturers, and others participating in the program are recognized by the board as being qualified in the field;
 - c. If the program is available to all embalmers and funeral directors licensed in this state; and
 - d. If any fees charged for the program are the same for nonmembers of any organization sponsoring the program. Any difference in fees charged to nonmembers, as opposed to members of the sponsoring organization, shall be reasonably and directly related to the sponsoring organization's expense in operating the program.
6. The board shall give written notification of the approval or disapproval of a program to the sponsor within forty-five (45) days after receipt of the proposed educational program schedule and outline. Any program approved by the board shall be awarded an approval period by the board, during which the sponsor may offer the program as many times as desired as long as the board's standards are maintained. The board shall state the number of hours credit recognized for the completion of the program.
7. Any change in a program after approval is granted by the board shall be approved by the board. Failure to do so shall be grounds for revocation of approval.
8. The educational program may be monitored by a member of the board or a person designated by the board for the purpose.
9. Sponsors shall provide for the maintenance of the program schedule and outline and attendance records of educational programs for at least two (2) years following completion of any program.
10. Any continuing education program conducted by a sponsor in another state that is approved for continuing education credit by a governmental agency of that state with licensure authority over embalmers and funeral directors in that state, similar to the licensure authority of the board, shall be exempt from the requirements of subsections (2) through (8) of this section. The board shall recognize attendance by licensees at the continuing education

programs, and credit therefore, as recognized and approved by the governmental agency of that state. Licensees claiming credit for the continuing education programs conducted in other states shall comply with the requirements of subsection (11) of this section.

11. Attendance at any continuing education program shall be certified to the board upon a form provided by the board and shall be submitted by each licensee at the time he makes application to the board for the renewal of his license. Each licensee shall be responsible for having the forms signed by the sponsor of any continuing education program for which credit is claimed, certifying that the licensee did attend the continuing education program for which credit is claimed. The board shall not approve any claim for credit for attendance at a continuing education program unless the licensee provides the signed certification of the sponsor stating that the licensee did attend the continuing education program for which credit is claimed.
12. The board may maintain a list of sponsors providing programs to satisfy the continuing education requirement for licensees. This information may be made available to any licensee.

Effective: July 13, 1990

History: Created 1990 Ky. Acts ch. 86, sec. 1, effective July 13, 1990.

316.140 Application for courtesy card by embalmer or funeral director licensed out of state – Privileges and duties of courtesy card holder – Prohibited acts.

1. Any person holding an embalmer's or a funeral director's license issued in another state or federal district may obtain a courtesy card if the following conditions are met:
 - a. The person is licensed as an embalmer or a funeral director in another state or federal district;
 - b. The other state or federal district issues courtesy cards or similar permits to embalmers or funeral directors licensed in Kentucky;
 - c. The person completes an application for a courtesy card on a form provided by the board; and
 - d. The person pays a fee that shall not exceed the amount of the fee an embalmer or a funeral director licensed under this chapter is required to pay for license renewal.
2. The board may issue a courtesy card to a licensed funeral director or licensed embalmer upon application and payment by the funeral director or embalmer of a fee prescribed by the board in administrative regulations

promulgated under KRS Chapter 13A. The application shall be approved by the board, at its discretion. The requirement in KRS 316.030 that all Kentucky-licensed embalmers or funeral directors who practice in Kentucky shall practice from a funeral establishment that is licensed to operate under the provisions of this chapter shall not apply to the holder of a courtesy card. The board shall promulgate administrative regulations necessary to administer and enforce this section.

3. A courtesy card issued under this chapter shall expire on July 31 of each year.
4. The holder of a courtesy card issued under this chapter may undertake the following acts of funeral directing:
 - a. Remove and transport unembalmed and embalmed dead human bodies to and from Kentucky to the state or states where the courtesy card holder is licensed as a funeral director;
 - b. Prepare and complete sections of death certificates and other disposition permits needed for the disposition of deceased human remains, without the assistance of, or being under the supervision of, an embalmer or funeral director licensed under this chapter; and
 - c. Only a licensed funeral director who has been issued a courtesy card under this subsection may supervise and conduct funeral ceremonies in Kentucky without the assistance of a Kentucky funeral director.
5. A courtesy card holder pursuant to this chapter shall comply with all the laws of Kentucky when engaged in any acts of funeral directing in this state. The board may revoke or suspend the courtesy card, or subject the courtesy card holder to discipline in accordance with the laws applicable to the funeral directors and embalmers licensed under this chapter. Any disciplinary measures taken by the board against a courtesy card holder shall be reported by the board to the state board or agency that issued the courtesy card holder's funeral director or embalmer's license or certification.
6. The holder of a courtesy card issued under this chapter shall not engage in the following acts:
 - a. Transfer the courtesy card to another individual;
 - b. Own or operate a funeral home, crematory, or office that provides or offers to sell or arrange funeral or disposition services in Kentucky; and
 - c. Except as provided in subsection (4) of this section, perform any of the acts related to the practice of funeral directing in Kentucky, including:

1. Arranging for a funeral or disposition service with members of the public;
2. Being employed by, or contracted to perform funeral or embalming services in Kentucky by, a funeral home licensed under this chapter;
3. Advertising funeral or disposition services
4. Executing contracts for funeral or disposition services in Kentucky;
5. Preparing or embalming deceased human remains in Kentucky; or
6. Exhuming or disinterring human remains in Kentucky.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 31, sec. 1, effective July 12, 2012. – Amended 2004 Ky. Acts ch. 69, sec. 2, effective July 13, 2004. – Amended 1998 Ky. Acts ch. 90, sec. 3, effective July 15, 1998. – Amended 1996 Ky. Acts ch. 149, sec. 5, effective July 15, 1996. – Amended 1988 Ky. Acts ch. 125, sec. 9, effective July 15, 1988. – Amended 1960 Ky. Acts ch. 52, sec. 14, effective June 16, 1960.— Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, Ky. Stat. sec. 1599a-15.

Legislative Research Commission Note (7/15/96). In codifying the changes made to this statute by 1996 Ky. Acts ch. 149, sec. 5, a citation to KRS 316.030 (Section 2 of the Act) has been substituted for the Act’s reference to 316.125 (Section 3 of the Act) pursuant to KRS 7.13(1)(h). It is clear from context that the subject matter being treated here relates to the Section 2 of the Act, not Section 3.

316.150 Nonissuance, nonrenewal, revocation, suspension, and probation of license.

1. The board refuse to issue or renew, may revoke, or suspend and impose probationary conditions on the license of any Kentucky-licensed embalmer or Kentucky-licensed funeral director, and may issue a written reprimand and impose a fine, for:
 - a. Violating any provision of this chapter, any lawful order of the board, or any administrative regulation promulgated by the board pursuant to this chapter;
 - b. Being convicted of any felony, or any misdemeanor if the misdemeanor relates to the practice of embalming or funeral directing. For purposes of this subsection, a conviction includes a finding or verdict of guilt or an entry of a guilty plea or a plea of no contest.
 - c. Paying or offering to pay, directly or indirectly, any consideration of value to secure a funeral, prior to or after an individual’s death, or

- allowing the applicant's or licensee's employee or immediate family member to pay anything of value to secure a funeral;
- d. Soliciting business in any way by offering or giving any service which is not a normal function of a licensed embalmer or a licensed funeral director in a regular service;
 - e. Permitting any person who is not a Kentucky-licensed embalmer or Kentucky-licensed funeral director to perform any service pertaining to embalming or funeral directing required by law of a licensed embalmer or a licensed funeral director, from the time of death until interment;
 - f. Misrepresenting or concealing a material fact in obtaining a license or an apprentice registration;
 - g. Assisting any applicant for an embalmer's or a funeral director's license in obtaining the license by misrepresentation or concealment of a material fact in registering for an apprenticeship, or during the period of serving an apprenticeship, or in taking or passing the examination for an embalmer's or a funeral director's license;
 - h. Being sanctioned for a violation of any state or federal statute or administrative regulation governing the funeral industry or its practice for which a plan of correction or remedial action was not accepted by the state or federal authority; or
 - i. Committing any act which constitutes unprofessional, fraudulent, misleading, corrupt, deceptive, or dishonest conduct. If the act constitutes a crime, conviction in a criminal proceeding shall not be a condition precedent to a disciplinary action.
2. The board may refuse to issue, may revoke, or suspend and impose probationary conditions on the registration of apprentice, and may issue a written reprimand and impose a fine, for:
 - a. Violating any of the provisions set out in paragraphs (a) to (i) of subsection (1) of this section; or
 - b. Disobeying the proper orders or instructions of a superior.
 3. The board may refuse to issue or renew, may revoke, or suspend and impose probationary conditions on the license of any funeral establishment, and may issue a written reprimand and impose a fine, for:
 - a. Misrepresenting or concealing a material fact in obtaining a funeral establishment license;
 - b. Operating a funeral establishment in violation of any lawful order of the board or any state or federal statute or administrative regulation governing the operation of a funeral establishment; or

- c. Operating a funeral establishment without the supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 90, sec. 4, effective July 15, 1998.—
Amended 1996 Ky. Acts ch. 149, sec. 7, effective July 15, 1996.—
Amended 1984 Ky. Acts ch. 82, sec. 3, effective July 13, 1984.—
Amended 1960 Ky. Acts ch. 52, sec. 15, effective June 16, 1960.—
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-11.

316.155 Hearing by the board – Appeal.

1. The board shall, before revoking, suspending, or imposing probationary conditions on any license or registration issued pursuant to this chapter, or before issuing a written reprimand or imposing a fine, set the matter for a hearing to be conducted in accordance with KRS Chapter 13B.
2. After denying an application for a license or registration for an apprentice, the board shall set the matter for a hearing in accordance with KRS Chapter 13B upon written request of the applicant if the request is made within thirty (30) days of mailing a letter of denial.
3. Any final order of the board may be appealed to Franklin Circuit Court in accordance with KRS Chapter 13B.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 149, sec. 8, effective July 15, 1996; and ch. 318, sec. 272, effective July 15, 1996. –
Amended 1988 Ky. Acts ch. 125, sec. 10, effective June 15, 1988. –
Created 1984 Ky. Acts ch. 82, sec. 5, effective July 13, 1984.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 149 and 318 which do not appear to be in conflict and have been codified together.

316.170 Kentucky Board of Embalmers and Funeral Directors – Membership – Qualifications – Meetings.

1. The board shall consist of five (5) members who shall be residents of the Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed embalmers and Kentucky-licensed funeral directors actively practicing embalming and funeral directing in a Kentucky funeral establishment and shall have a minimum of ten (10) years' consecutive experience in the practice of embalming and funeral directing in Kentucky immediately preceding their appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.

2. The Governor shall make all appointments to the board. The four (4) embalmer and funeral director members shall be appointed from a list of three (3) names submitted by the Funeral Directors Association of Kentucky and from a list of three (3) names submitted by the Kentucky Association of Morticians, Inc., for each position to be filled.
3. The term of each member shall be four (4) years. Each member shall serve until a successor is appointed and qualified.
4. Vacancies on the board shall be filled in the same manner for unexpired terms.
5. Each board member shall receive one hundred dollars (\$100) for each day of service actually given in carrying out the board's duties and shall be reimbursed for necessary traveling expenses and other necessary expenses incurred in attending board meetings and carrying out the board's duties.
6. The board shall elect annually a president from its members.
7. The board shall meet as often as necessary to discharge its duties, but not less than once a year.
8. Three (3) members shall constitute a quorum.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 149, sec. 9, effective July 15, 1996. – Amended 1976 Ky. Acts ch. 206, sec. 9, effective June 19, 1976. – Amended 1960 Ky. Acts ch. 52, sec. 17, effective June 16, 1960. – Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-1.

316.210 Powers and duties of board.

1. The board shall administer and enforce the provisions of this chapter and may promulgate administrative regulations pursuant to KRS Chapter 13A to carry out and enforce the provisions of this chapter.
2. The board shall keep records and minutes necessary to carry out provisions of this chapter.
3. The board may administer oaths and may issue subpoenas to compel the attendance of witnesses and the production of documents.
4. The board may seek injunctive relief in Franklin Circuit Court to restrain or enjoin a violation of this chapter.
5. The board may employ persons as necessary to carry out the requirements of this chapter.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 149, sec. 10, effective July 15, 1996. – Amended 1984 Ky. Acts ch. 82, sec. 6, effective July 13, 1984. – Amended 1960 Ky. Acts ch. 52, sec. 21, effective June 16, 1960. – Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-4

316.260 Inspector of Board of Funeral Directors and Embalmers.

There shall be appointed by the board an agent whose title shall be “inspector of the Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky.” The inspector shall receive such compensation as the board may determine. The inspector shall hold office during the pleasure of the board which shall determine what his duties shall be. The inspector may enter the office, premises, establishment or place of business of any funeral director or embalmer in the Commonwealth of Kentucky or any office, premises, establishment or place where the practice of funeral directing or embalming is carried on, or where the practice is advertised as being carried on, for the purpose of inspecting the office, premises or establishment for violations of this chapter and for the purpose of inspecting the license and registration of any funeral director, embalmer, licensee or resident apprentice operating therein.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 125, sec.2, effective July 15, 1988.

316.990 Penalties.

1. Any person who violates or aids in the violation of KRS 316.030(1) by engaging in or attempting to engage in embalming or funeral directing or doing any part of a service pertaining to embalming or funeral directing from the time of death until the interment of a dead human body, who is not licensed under this chapter, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or imprisoned for not more than six (6) months, or both for each offense.
2. Any person not licensed under this chapter who conducts a funeral establishment or corporation for the preparation and burial of dead human bodies, or who holds himself out to be an embalmer or funeral director, or who prepares, cares for, or disposes of dead human bodies within the meaning of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or imprisoned for not more than six (6) months, or both. Each day that the establishment is open to the public in violation of this chapter shall be a separate offense.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 149, sec. 11, effective July 15, 1996.—
Amended 1960 Ky. Acts ch. 52, sec. 24, effective June 16, 1960.—
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942,
from Ky. Stat. secs. 1599a-16, 1599a-16a.

201 KAR 15:010. Definitions

RELATES TO: KRS 316.030(6)(c), (7), 316.150(3)(b), (c)

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation defines terms used in KRS 316.030 and 316.150.

Section 1. “Full time” means at least forty (40) hours per week under the personal supervision of a licensed embalmer or licensed funeral director and shall not include time spent “on call”.

Section 2. “Operating a funeral establishment” means the management of a funeral establishment including the daily activities of funeral directing, embalming, bookkeeping, and supervision of employees. (BEFD-7; 1 Ky.R. 1013; eff. 6-11-75; Am. 15 Ky.R. 2241; 16 Ky.R. 11; eff. 7-14-89; 20 Ky.R. 2991; eff. 7-7-94; 22 Ky.R. 2317; 23 Ky.R. 428; eff. 8-1-96.)

201 KAR 15:030. Fees.

RELATES TO: KRS 316.125(2)(a), 316.130(2), (4), (5), 316.140(2)

STATUTORY AUTHORITY: KRS 316.125(2)(a), 316.130(2), (4), (5), 316.140(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.125(2)(a), 316.130(2), (4), and (5), and 316.140(2) require the board to set out in administrative regulations certain fees. This administrative regulation establishes these fees.

Section 1. The funeral establishment license fee shall be \$150.

Section 2. The embalmer’s license renewal fee shall be seventy-five (75) dollars.

Section 3. The funeral director’s license renewal fee shall be seventy-five (75) dollars.

Section 4. The late fee for a funeral establishment license renewal shall be \$150.

Section 5. The late fee for an embalmer’s license renewal or a funeral director’s license renewal shall be seventy-five (75) dollars.

Section 6. The fee for an annual courtesy card shall be seventy-five (75) dollars. (BEFD-Rule 17; 1 Ky.R. 1013; eff. 6-11-75; Am. 20 Ky.R. 831; eff. 12-6-93; 22 Ky.R. 2318; eff. 8-1-96; 25 Ky.R. 592; 1030; eff. 11-13-98; 26 Ky.R. 1853; eff. 6-12-2000; 34 Ky.R. 1527; eff. 3-7-2008.)

201 KAR 15:040. Examination

RELATES TO: KRS 316.030(3)(h), (4)(g)

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.030(3)(h), (4)(g) require an applicant for an embalmer's license or a funeral director's license to pass examinations prepared or approved by the board. The function of this administrative regulation is to establish the procedure, content, and time of examinations.

Section 1. Content of Examination. (1) The examination for a license to practice embalming and the examination for a license to practice funeral directing shall be written examinations administered by one (1) or more members of the board.

(2) The subjects to be covered in the examination for embalmer's license shall be as follows:

- a. Embalming;
- b. Anatomy;
- c. Microbiology;
- d. Pathology;
- e. Chemistry;
- f. Restorative art;
- g. Mortuary administration and law;
- h. Accounting;
- i. Sociology; and
- j. Psychology.

(3) The subjects to be covered in the examination for funeral director's license shall be as follows:

- a. Mortuary administration;
- b. Ethics;
- c. Accounting;
- d. Sociology;
- e. Business law;
- f. Primary psychology
- g. Transportation rules;
- h. Hygiene, sanitation, and disinfection; and
- i. Requirements of KRS Chapter 316 and the administrative regulations promulgated pursuant to KRS Chapter 316.

(4)

- a. The board may accept the results of the examination prepared and administered by the Conference of Funeral Service Examining Boards and the results of an oral examination on the subject of embalming administered by one (1) or more members of the board in lieu of the written examination for embalmer's license administered by the board.

- b. The applicant seeking to take an examination administered by the board shall submit the fee required by KRS 316.030(3)(g) or (4)(f) to the board at least thirty (30) days before the date of the examination. The fee shall include a license in good standing for the remainder of the fiscal year if the applicant is successful in the examination.

Section 2. Procedure for Examination. (1) Applicants shall attain a proficiency of seventy-five (75) percent on any examination to make a passing grade.

- (2) All written questions for the embalmer's and funeral director's examinations are the property of the board and applicants shall return the questions to the board with their answers.

Section 3. Time of Examinations. (1) Examinations administered by the board shall normally be held for funeral director's and embalmer's licenses at the regular meeting of the board in December and June of each year.

- (2) Examinations may be held at other regular or special meetings at the board's discretion.
- (3) An applicant shall be entitled to only one (1) examination for each fee. (BEFD-Rule 18; 1 Ky.R. 1013; eff. 6-11-75; Am. 20 Ky.R. 2655; eff. 5-18-94; 22 Ky.R. 2319; eff. 8-1-96.)

201 KAR 15:050. Apprenticeship and supervision requirements.

RELATES TO: KRS 316.030

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.210(1) authorizes the Kentucky Board of Embalmers and Funeral Directors to promulgate administrative regulations to carry out and enforce the provisions of KRS 316.010 to 316.990. KRS 316.030(3)(e) and (4)(d) require an applicant for an embalmer's license or a funeral director's license to serve an apprenticeship under the supervision of a Kentucky-licensed embalmer or funeral director. KRS 316.030(8) requires an applicant to file sworn statements semiannually during the apprenticeship. This administrative regulation establishes the requirements for apprentices and their supervisors, the time for filing the sworn statements, and the additional information required in the sworn statements.

Section 1. Definitions.

1. "Direct supervision" means that a Kentucky-licensed funeral director or a Kentucky-licensed embalmer, as appropriate, is:
 - a. Physically present with the apprentice; and
 - b. Personally observing and guiding the activities of the apprentice.
2. "Supervisor" means the supervisor of record.

3. “Supervisor’s designee” means a Kentucky-licensed funeral director or a Kentucky-licensed embalmer, as appropriate, who has been approved by the supervisor of record to supervise an apprentice.

Section 2. Apprenticeship Registration. Prior to beginning an apprenticeship. An applicant shall:

1. File an Apprentice Registration Form with the board which includes the sworn statement required by KRS 316.030(6)(c)
2. Pay the registration fee established in KRS 316.030.(6)(b); and
3. Appear before the board with the supervisor at a time and place identified by the board.

Section 3. Supervisor.

1. An apprenticeship shall be served under the board-approved supervisor identified on the Apprenticeship Registration Form as the supervisor of record.
2. Apprenticeships for both embalming and for funeral directing may be served concurrently under:
 - a. A single individual acting as the supervisor of record who holds both a funeral director’s license and an embalmer’s license; or
 - b. Two (2) individual licensees acting as the supervisors of record for the embalming apprenticeship and the funeral directing apprenticeship, respectively. Each individual supervisor of record shall meet the requirements of Sections 2 through 6 of this administrative regulation.
3. Licensed embalmers and licensed funeral directors who seek approval from the board as a supervisor of record shall:
 - a. Embalm or direct funerals at the establishment where the apprentice is registered or at another funeral establishment which is identified to the board;
 - b. Appear before the board for approval with the apprentice; and
 - c. Be responsible for ensuring that the apprentice complies with the KRS 316.010 to 316.990 and the administrative regulations of the board.
4. The board may withdraw approval of a supervisor based upon evidence of the inability to supervise an apprentice properly or a violation of the statutes and administrative regulations governing funeral directing and embalming.
5. Apprentices may receive supervision by licensees other than the supervisor of record.
 - a. Registered embalmer apprentices may be supervised by other licensed embalmers approved by the supervisor of record.
 - b. Registered apprentice funeral directors may be supervised by other licensed funeral directors approved by the supervisor of record.

- c. Supervisors of record that approve other licensees to provide supervision for an apprentice shall remain responsible for the actions of the apprentice and for the quality of the delegated supervision.

Section 4. Supervision of Apprentices.

1. Supervision of embalmer apprentices.

- a. For the first twenty-five (25) cases with which an embalmer apprentice assists and throughout the first six (6) months of training, the supervisor or the supervisor's designee shall be present with the apprentice and provide direct supervision of all the apprentice's embalming activities.
- b. After the apprentice has completed both twenty-five (25) cases and six (6) months of the apprenticeship, the apprentice may perform embalming services if the supervisor or the supervisor's designee is available for consultation and supervision, in accordance with KRS 316.010(9), with regard to the activities of the apprentice.
- c. The supervisor shall notify the board in writing that the apprentice has completed the required twenty-five (25) cases before allowing the apprentice to embalm without direct supervision. The supervisor or the supervisor's designee shall continue to supervise the apprentice, in accordance with KRS 316.010(9) and 316.030(3)(e), for the duration of the apprenticeship.

2. Supervision of funeral director apprentices.

- a. For the first twenty-five (25) cases with which a funeral director apprentice assists and throughout the first six (6) months of training, the supervisor or the supervisor's designee shall provide direct supervision during all of an apprentice's funeral directing activities.
- b. After the apprentice has completed both twenty-five (25) cases and six (6) months of the apprenticeship, the apprentice may perform funeral directing services if the supervisor or the supervisor's designee is available for consultation and supervision, in accordance with KRS 316.010(9), with regard to the activities of the apprentice.
- c. The supervisor shall notify the board in writing that the apprentice has completed the required twenty-five (25) cases before allowing the apprentice to practice funeral directing without direct supervision. The supervisor or the supervisor's designee shall continue to supervise the apprentice, in accordance with KRS 316.010(9) and 316.030(4)(d), for the duration of the apprenticeship.

3. Removals.
 - a. The supervisor or the supervisor's designee shall be present and provide direct supervision during the removal of bodies for the first six (6) months of the apprenticeship and the first twenty-five (25) removals assisted in by the apprentice.
 - b. After an apprentice has served six (6) months of apprenticeship and assisted with twenty-five (25) removals, an apprentice may make removals without the direct supervision of the supervisor or the supervisor's designee if the supervisor has determined that the apprentice is competent to perform removals without direct supervision.
 - c. The supervisor shall notify the board in writing that the apprentice has completed the required twenty-five (25) removals and that the supervisor's approval has been given for the apprentice to make removals without direct supervision before the apprentice can begin making these removals.
4. The apprentice shall maintain a work schedule documenting the forty (40) hours per week that he has worked at the location of the apprenticeship. The work schedule shall identify:
 - a. The daily work schedule of the apprentice, including beginning and ending times; and
 - b. The days on which the apprentice does not work.
5. Nothing in this administrative regulation shall limit the amount of time which an apprentice may work at the funeral establishment.
6. The supervisor shall instruct an apprentice and ensure that an apprentice receives experience in all aspects of funeral directing or embalming, as applicable to the individual's apprenticeship.
 - a. The instruction shall include:
 1. The laws relating to the profession, including KRS 316.010 to 316.990 and the administrative regulations promulgated by the board; and
 2. The theory and application of funeral directing or embalming.
 - b. The training and work assignments for apprentice embalmers shall cover the following service items:
 1. Initial call details;
 2. Removals;
 3. Embalming;
 4. Restorative art treatment;
 5. Posing body and features;
 6. Bathing and cosmetizing of bodies;

7. Dressing and casketing of bodies;
 8. Recordkeeping;
 9. Purchasing of necessary supplies;
 10. Preparation of autopsied bodies
 11. Care and maintenance of equipment and embalming room; and
 12. Professional responsibility.
- c. The training and work assignments for apprentice funeral directors shall cover the following service items:
1. Initial call details;
 2. Removals;
 3. Counseling of families on the types of services and merchandise available;
 4. Arrangements of funeral services and merchandise;
 5. Preparing death certificates and documents;
 6. Preparing applications for certain death benefits, such as Social Security, Veterans Administration, insurance companies and lodges;
 7. Preparing newspaper notices;
 8. Conducting visitations or memorial services;
 9. Directing funerals and graveside services;
 10. Follow-up service to the family after the funeral service has been completed;
 11. Recordkeeping;
 12. Purchasing of necessary supplies;
 13. Caring for equipment and premises; and
 14. Professional responsibility.

Section 5. Terminating and Reestablishing an Apprenticeship

1. The licensed funeral director or licensed embalmer who is the apprentice's supervisor of record shall:
 - a. Notify the board in writing of the termination of the apprentice funeral director or embalmer within five (5) days of the termination of the apprentice funeral director or embalmer; and
 - b. Identify the name of the apprentice and the date on which the apprenticeship was terminated
2. An apprentice funeral director or embalmer shall, within five (5) days of the termination of the person's apprenticeship with a funeral director or an embalmer:
 - a. Notify the board in writing that the person is no longer working as an apprentice funeral director or embalmer; and
 - b. Identify the date on which the apprenticeship ceased.

3. An apprentice funeral director or embalmer whose apprenticeship is terminated at the establishment originally identified to the board shall, within thirty (30) days of being employed by another funeral director or embalmer:
 - a. Notify the board in writing of the change in employment and apprenticeship;
 - b. Identify the name, street address, and license number of the funeral director or embalmer under which the apprentice is continuing the apprenticeship; and
 - c. Complete a new registration as set out in Section 1 of this administrative regulation which is signed by the licensed funeral director or embalmer who is to be the apprentice's new supervisor or record.
4. An apprentice funeral director or embalmer who is unable to perform the duties of the apprenticeship for a period of two (2) weeks or more because of health related impairments shall immediately notify the board in writing of:
 - a. The date on which the apprentice became unable to perform duties; and
 - b. The date on which the apprenticeship will be recommenced.
5. An apprenticeship shall not end later than the administration of the second examination for which the apprentice is eligible.

Section 6. Sworn Statements.

1. An apprentice shall file the sworn statements required by KRS 316.030(8) on or before May 1 and November 1 of each year relating to the six (6) month period ending with the preceding middle of April or middle of October, respectively.
2. The sworn statements by the apprentice serving an apprenticeship shall include the following information:
 - a. The names and dates of funerals in which the apprentice for a funeral director's license assisted in managing during each six (6) month period;
 - b. The names and dates of embalming cases in which the apprentice for an embalmer's license assisted during each six (6) month period; and
 - c. The names of the service items set forth in Section 3(6) of this administrative regulation specifically identified for each case in which the apprentice assisted during each six (6) month period.
3. With the initial sworn statement, an apprentice shall file a report written by the applicant summarizing the requirements of KRS 316.010 to 316.990 and the administrative regulations promulgated pursuant to KRS 316.010 to 316.990.

4. With subsequent sworn statements, an apprentice shall file a report written by the applicant on an article or book related to embalming or funeral directing read by the applicant during the six (6) month period.
5.
 - a. The supervisor of record shall sign the sworn statements and certify that the apprentice has completed the cases and service items identified in the statement.
 - b. If the apprentice has received supervision from licensed funeral directors or embalmers other than the supervisor identified on the application for apprenticeship, the supervisor shall still be responsible for:
 1. The activities of the apprentice;
 2. Signing the sworn statement; and
 3. The certification of completion of cases and service items identified in the statement.
6. Before the activities of the apprentice can count towards the requirements of KRS 316.030(3)(f) or (4)(e), the case shall include the following service items:
 - a. For an embalming case, the apprentice shall have participated in the service items listed in Section 3(6)(b) 3 through 7 of this administrative regulation; and
 - b. For a funeral directing case, the apprentice shall have participated in the service items listed in Section 3(6)(c) 3 through 9 of this administrative regulation.

Section 7. Incorporation by Reference.

1. "Apprenticeship Registration Form" is incorporated by reference.
2. This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 8412 Westport Road, Louisville, Kentucky 40242, Monday through Friday, 8 a.m. to 4:30 p.m. (BEFD-Rule 16; 1 Ky.R. 1014; eff. 6-11-75; Am. 21 Ky.R. 1744; eff. 3-6-95; 22 Ky.R. 2321; 23 Ky.R. 428; eff. 8-1-96; 29 Ky.R. 495; 916; eff. 10-11-2002.)

KAR 15:080. Complaints of violations.

RELATES TO: KRS 316.150

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.150 authorizes the board to take disciplinary action against the license of an embalmer, a funeral director, or a funeral establishment or against the registration of an apprentice for

violations of KRS Chapter 316. The function of this administrative regulation is to establish the procedure for filing complaints of violations with the board.

Section 1. Complaint.

1. A complaint that an embalmer, a funeral director, a funeral establishment, or an apprentice (respondent) has violated the provisions of KRS Chapter 316 shall be made in writing to the board.
2. The complaint shall be signed by the person (complainant) making the complaint.
3. The complainant need not be a licensed embalmer or funeral director.

Section 2. Notice to the Respondent.

1. The board shall send a notice with a copy of the complaint to the respondent requesting a written response to the complaint.
2. The respondent shall file a written response to the complaint with the board within twenty (20) days after receipt of notice of the complaint.

Section 3. Investigation of Complaint.

1. The board may, if it deems appropriate, assign one (1) or more persons to conduct an investigation of the facts alleged in a complaint and submit a report to the board.
2. The board may, at any time, conduct an investigation on its own initiative without receipt of a written complaint if the board has reason to believe that there may be a violation of KRS Chapter 316.
3. The board may dismiss a complaint at any time if the board determines that the facts stated in the complaint, or facts known to the board after investigation, fail to warrant disciplinary action. The board shall notify the complainant and the respondent in writing if it dismisses the complaint.
(BEFD-Rule 1; 1 Ky.R. 1014; eff. 6-11-75; Am. 21 Ky.R. 1747; eff. 3-6-95; 22 Ky.R. 2322, 23 Ky.R. 429; eff. 8-1-96.)

201 KAR 15:110. Funeral establishment criteria.

RELATES TO: KRS 316.010, 316.030, 316.125, 316.127, 16 C.F.R. 423.2(b)-(5), 29 U.S.C. 651

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.125(1) requires a license from the board for the operation of a funeral establishment. KRS 316.210(1) authorizes the board to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316. This administrative regulation establishes the minimum requirements for the licensing and operation of a funeral establishment.

Section 1. Definitions.

1. “Chapel” means an area where a family and the public may pay their respects to a deceased human being, or an area where funerals or memorial services can be held, and which is a separate and distinct area from the preparation room.
2. “Preparation room” means an area with a minimum of 100 square feet, which is used exclusively to prepare dead human bodies for final disposition if arterial or cavity injection is a function of the establishment, and which is separate and distinct from the viewing area, chapel, or any other part of the establishment.
3. “Viewing area” means an area in which a family and the public may pay their respects to a deceased human being.

Section 2. General Requirements.

1. The interior and exterior of the establishment shall be kept free and clean of litter, dirt, debris, and clutter or other objects or conditions which present a potential or actual hazard to the health, safety, or welfare of the public and the funeral establishment’s employees.
2. A person shall not be permitted to be in a preparation room during the course of embalming a dead human body except employees of the establishment in which the human body is being embalmed, registered apprentices, members of the family of the deceased, or authorized representatives of the deceased, or any other individual otherwise allowed by law.
3. An establishment shall maintain the following documents, if applicable:
 - a. Board approved embalming reports which set out the name of each body embalmed, the date of death, the date and time that the embalming took place, the name and signature of the embalmer, and the embalmer’s license number.
 - b. Proper documentation of the authorization to embalm, and the embalming reports shall be maintained for a minimum of three (3) years; and
 - c. Accurate and current copies of the casket price list, the outer burial container price list, the general price list, and the statement of funeral goods and services selected as required by the Federal Trade Commission in 16 C.F.R. 453.2(b)(2) through (5), as maintained in the general practice of the establishment.
4. A license for an establishment shall not be granted for establishments located in any public office building, strip mall, public storage, mini-storage, mini-warehouse, multiunit storage complex, or similar facility used by members of the general public for the storage of goods.

5. The building in which an establishment is located shall be in conformity with the requirements of the applicable state and local statutes, administrative regulations, ordinances, and zoning provisions.
6.
 - a. Each establishment shall display a sign which identifies the name of the establishment.
 - b. The sign shall be in a location that is visible from an adjacent public road.
7. An establishment shall have adequate rest room facilities for members of the public if there will be public funeral services or visitation or ceremonial services conducted in the establishment.

Section 3. Visitation and Ceremonial Funeral Service Establishment.

1. All new Visitation and Ceremonial Funeral Service Establishments that provide visitation and ceremonial funeral services shall have facilities which meet the following requirements:
 - a. The establishment shall have a viewing area or chapel which shall be at least 400 square feet in size.
 - b. The establishment shall have the applicable equipment necessary for conducting and arranging funeral services, including:
 1. Tables or desks and chairs for arrangement conferences;
 2. Seating for the viewing room;
 3. Casket bier;
 4. Register book stand;
 5. Officiant stand;
 6. Flower display stands; and
 7. Organ, piano, music-producing equipment, or any suitable combination of these items.
2. Existing visitation and ceremonial funeral establishments that are subject to the "grandfather clause" of KRS 316.127 shall have until July 31, 2007 to meet the requirements established in subsection (1) of this section.

Section 4. Embalming Service Establishment.

1. An establishment that provides embalming services shall have facilities and a preparation room which comply with the requirements of the Occupational Safety and Health Act, 29 U.S.C. 651 and shall also require:
 - a. At least one (1) approved embalming table and all professional instruments necessary for embalming and the preparation of dead human bodies; and
 - b. That a preparation room shall not be used as a storage area other than for supplies pertaining to the embalming and preparation of dead human bodies.

2. Human remains shall not be prepared for disposition except by a licensed embalmer or a Level 2 apprentice, in accordance with the provisions of KRS 316.030, in a preparation room which meets the requirements of this administrative regulation.
3. All windows and doors shall be constructed or screened to prevent persons from looking into the preparation room.
4. Each preparation room entrance shall be lockable and shall display a sign indicating private or restricted entry.
5. Licensed embalmers may perform removals and transport dead bodies.

Section 5. Full Service Funeral Establishments.

1. In addition to the regulatory requirements set forth in Sections 3 and 4 of this administrative regulation, a new full service establishment shall meet the following additional requirements:
 - a. The establishment shall have an area available to the public devoted to the display of funeral merchandise. Caskets or casket sections may be viewed by sample, computer, catalog, or other display that corresponds to the current general price list for the funeral establishment; and
 - b. In addition to the viewing area or chapel, the establishment shall have a separate room or office for arranging funerals. This room may be used to satisfy the requirements of paragraph (a) of this subsection.
2. Existing full service funeral establishments that are subject to the “grandfather clause” of KRS 316.127 shall have until July 31, 2007 to meet the requirements established in subsection (1) of this section.

Section 6. Inspections.

1. Each establishment shall be subject to inspection at the convenience of a board inspector.
2. The inspector shall inspect the establishment to see if it has suitable and dignified quarters appropriate for the category of services for which it is licensed.
3. An establishment that provides embalming services shall have completed and signed embalming reports available for inspection.
4. The following forms shall be available for inspection, with a copy available to the inspector for the inspector’s records.
 - a. A current general price list of charges for services to the public;
 - b. A current price list of caskets as charged to the public; and
 - c. A current price list of outer burial containers as charged to the public.

Section 7. Establishment Supervisor.

1. Each facility establishment shall have a Kentucky-licensed funeral director and a Kentucky-licensed embalmer or an individual licensee as required by KRS 316.125(2)(b)4 to manage and supervise the facility.
2. The establishment shall notify the board of a change of the funeral director or the embalmer supervisor in the form of an affidavit signed by the licensed owner and the new supervisor within five (5) working days of the change.
3. A supervisor who leaves the employment of an establishment shall notify the board within five (5) working days.

Section 8. Transferability.

1. Establishment licenses shall not be transferable.
2. If a sale, lease, relocation, or name change occurs:
 - a. The existing establishment license may remain in force by mutual consent of the parties for a period of thirty (30) days or until the next regularly scheduled board meeting, whichever comes first.
 - b. During the transition period, the establishment shall be operated under the name shown on the existing license until a new license is issued.
 - c. An application for a new license shall be submitted for review at the next board meeting following the sale, lease, relocation, or name change.
3.
 - a. Following the death of a Kentucky-licensed owner, funeral director, or embalmer, the establishment may operate for ninety (90) days while under temporary supervision by a licensed funeral director or embalmer. A licensee who is already identified as the supervisor for another establishment under KRS 316.125(4) may act as the temporary supervisor for the establishment under this section for the limited ninety (90) day period.
 - b. The temporary supervisor shall be identified to the board in writing within fifteen (15) days of the death of the Kentucky-licensed owner, funeral director, or embalmer.
 - c. A licensee may be the temporary supervisor for only one (1) establishment at a time.

Section 9. Opening of an Establishment.

1. An establishment shall not be operated or opened for business prior to the issuance of an establishment license by the board for that establishment.
2. Violation of this section shall be grounds for denial of the application for a license by the board.

Section 10. Advertising and Signage.

1. An establishment shall use the exact name listed on the license for the establishment in all advertisements and signage.

2. Descriptive terms shall be distinctly separated from the name of the establishment in all signage and advertisements unless registered as part of the official name.
3. Any advertising, designation, or signage for the funeral establishment shall match the classification on the establishment's license.

Section 11. Publication of Obituary. A licensed establishment which conducts a funeral service and agrees to draft and arrange the publication of an obituary, shall list the name of the licensed funeral director who arranges and conducts the service as well as the name and address of the establishment that the funeral director is practicing through.

Section 12. Incorporation by Reference.

1. Application for Funeral Establishment, 2006 edition, is incorporated by reference.
2. This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 8412 Westport Road, Louisville, Kentucky 40242-7025, Monday through Friday, 8 a.m. to 4:30 p.m. (33 Ky.R. 652; 1066; eff. 11-3-2006; 34 Ky.R. 1528; 1948; eff. 3-7-2008.)

201 KAR 15:120. Requirements for applicants holding a license in another state.

RELATES TO: KRS 316.140(1)

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.140(1) authorizes the Board of Embalmers and Funeral Directors to issue a license to an applicant that is licensed in another state and who has met the same or similar requirements for a license as the standards set out in KRS 316.030. This administrative regulation establishes the criteria for determining whether applicants who are licensed in another state qualify for a Kentucky embalmer's or a Kentucky funeral director's license.

Section 1.

1. The board shall accept an applicant licensed in another state as eligible to apply for an embalmer's license who has:
 - a. A diploma from a school of mortuary science that is accredited by the American Board of Funeral Service Education or its predecessor; and
 - b. Either:
 1. Thirty (30) semester or forty-five (45) quarter hours of college credit from an accredited college or university as shown on an official transcript, or

2. Engaged in the full-time practice of embalming under licensure for ten (10) of the twelve (12) years immediately preceding the date of the application as demonstrated by the submission of W-2 forms or an affidavit from two (2) licensed embalmers or funeral directors in his state of original licensure which verify that he has been so engaged in practice full time.
2. An applicant from another state shall:
 - a. Submit a copy of his or her current license from the state in which he is licensed;
 - b. Pass the current Kentucky examination or examinations for funeral director license or embalmer license or both, as applicable;
 - c. Inform the board of any disciplinary actions in states where he or she held a license; and
 - d. Pay the examination fee and the fees required by 201 KAR 15:030. (30 Ky.R. 2118; eff. 8-6-2004.)