

OKLAHOMA FUNERAL BOARD
3700 North Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street
Conference Room 1st Floor Oklahoma City, OK 73105.

DATE & TIME: November 14, 2024 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on November 12, 2024 at 9:00AM. A copy of this agenda is available on the Funeral Board website at www.oklahoma.gov/funeral

If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to info@funeral.ok.gov.

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call
2. Approval of the October 10, 2024 Regular Board meeting minutes
3. Oklahoma Funeral Director's Association Update from a Representative of OKFDA, with possible discussion
4. Oklahoma Insurance Department Update from a Representative of OID, with possible discussion
5. Review complaints with possible vote for probable cause or other action
 - 24-41 Non-Payment of Vendor
 - 25-13 Cremation Issues
6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 24-38, The Funeral Home, Watonga, The Funeral Home LLC, Watonga, Kenneth Anglin Jr, Watonga FDIC. Member Corbett needs to recuse.

7. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Jeremy Fairres, Okemah, Parks Bros. FH, Okemah
2. Autumn Green, Mustang, Oklahoma Mortuary Service, OKC
3. Erika DuPree, Duncan, Lawton Ritter Gray FH, Lawton
4. Haley Sitton, Hominy, Chapman-Black, Cleveland
5. Wayne Latimer, Jr, Tulsa, Keith Biglow Funeral Directors, Tulsa

B. Apprenticeship (1st Extension)

1. Terry Qualls, Sallisaw, Forever Memories FS, Sallisaw
2. Marisol Martinez, OKC, Hahn-Cook/Street & Draper, OKC

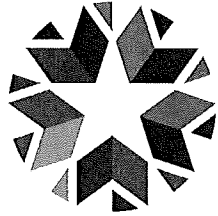
3. Mekailyn Boice, Duncan, Whitt FH, Duncan
- C. Apprenticeship (2nd Extension)
1. Tierrika Hutton, OKC, Chapel Hill FH, OKC
- D. Apprenticeship (3rd Extension)
1. Graciela Creed, Woodward, Billings FH, Woodward
- E. Funeral Director and/or Embalmer (Original)
1. Mercedes Castro, Yukon
 2. Hannah Ryden, Owasso
 3. Maddison Smith, OKC
 4. April Kile, Chickasha (FD Only)
 5. Wacee Kerr, El Reno (FD only)
 6. Robert Murray, MWC
 7. Courtney Maine, Pauls Valley (FD only)
- F. Establishments
1. Atoka Funeral Home, Atoka, request to close establishment
 2. Rice Funeral Service & Cremation Care+, Catoosa, request to change FDIC from Daniel Collier to Harlea Walker
 3. Smith Funeral Home, Sapulpa, request to change FDIC from Harlea Walker to Danilo Gatton
 4. Bill Eisenhower Funeral Home, OKC, request to change FDIC from Billy Robison to Rulon Davis
 5. Signature Cremation & Funeral Care, OKC, request to close establishment
- G. Crematories

1. Northwest Oklahoma Cremation Service, Woodward, new crematory, Billings-Clark Inc., owner, Timothy Lance Clark, FDIC
8. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
9. **Strategic Planning: Discussion and possible action regarding change of Board Statutes or Board Rules:**
 - A. NBE Administered by The Conference/Creation of State Administered Board Exam
 - B. Removal of disposition fee and increase of the flat fee of establishment renewals
10. **Adoption of proposed language regarding the following Statute or Board Rule change:**
 - A. Funeral Director Assistant's License
 - B. OAC 235:10-3-2(11) Transferability Rule Change of FDIC and/or Name Change application
 - C. Requirement of Specific Number of Caskets in Selection Room
 - D. Creation of Penalty Schedule for Complaints
 - E. Updating Cremation Statutes and Rules
 - F. Creation of rules for emergency action on egregious complaints
 - G. NBE Administered by The Conference/Creation of State Administered Board Exam
 - H. Removal of disposition fee and increase the flat fee of establishment renewals
11. **Executive Director's Report**
 - A. Agency Financial Update
12. **Discussion and possible action on adoption of meeting dates for calendar year 2025 and approval of those meetings for CE.**

13. Adjournment

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:
December 12, 2024. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street
Conference Room – 1st Floor Oklahoma City, OK 73105.



OKLAHOMA Funeral Board

MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

October 10, 2024

BOARD MEMBERS

Tom Coble
Darin Corbett
Glenn Dunn
John Davenport
Joe Highberger
Brent Matherly
Jim Roberts

STAFF

Rochelle Covington
Tyler Stiles
Kylie Cooper, AAG
Liz Stevens, AAG

MEETING PLACE: MEETING PLACE:

If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on October 7, 2024 at 9:00AM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

President Matherly called the meeting to order at 10AM. Members Coble, Corbett, Davenport, Dunn, Matherly, Roberts, Watkins were present. A quorum was always present.

Member Bart Watkins of Vici was sworn in as the newly appointed Board member.

Motion by Davenport second by Dunn to approve the September 12, 2024 Regular Board meeting minutes. The motion passed unanimously with members Roberts and Watkins abstaining.

Christina Shipman with OKFDA provided the following update: OKFDA District meetings had a great turnout where 290 funeral directors attended statewide and received an hour of CE. OKFDA will have a CE opportunity December 8-9 in Midwest City. There will be a tour of the OKC Lifeshare building on December 17 at 10:30. Check OKFDA's website for specific details and registrations.

OID did not provide an update.

Motion by Roberts second by Coble to dismiss complaint 25-07 regarding Unprofessional Staff. The motion passed unanimously.

Motion by Dunn second by Roberts to dismiss complaint 25-09 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Coble second by Dunn to find probable cause on complaint 25-10 regarding Cremation Permit/Death Certificate Issues. The motion passed unanimously.

Motion by Roberts second by Dunn to find probable cause complaint 25-11 regarding Non-payment of Vendor. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 25-01, Vondel L. Smith and Son Mortuary, Inc, OKC, Vondel L. Smith and Son Mortuary, Inc, OKC, Owner, Charles Trevor Smith, FD and EM, Derek Czajkoski, Newalla, FDIC. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Davenport, Dunn, Roberts, and Watkins heard the case. Member Matherly was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Watkins to accept the consent order. The consent order consisted of the following: The agreed violations were: not filing a death certificate in a timely manner, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$7,500, Vondel L. Smith and Son Mortuary, Inc, OKC, Charles Trevor Smith, Derek Czajkoski are placed on one year of probation, Charles Trevor Smith's funeral director license is suspended for 30 days and must complete a firearm safety course, and \$750 costs. The motion passed unanimously.

Member Matherly reentered the room.

Motion by Roberts second by Davenport to approve the following: Apprenticeship (Original) Kirsten Kizer, Kellyville, Traditions F&CS, Kellyville; Sharari Adams, Idabel, Nunley's FH, Idabel (FD Only); Tiffany Manley, Kingfisher, Sanders FH, Kingfisher; Samantha Horschler, Lawton, Asbury Mortuary, Lawton; Kathleen Salas Roldan, Tulsa, Schaudt's FS&C, Glenpool; Glenn Kias Palmer-Roberts, Guthrie, Bill Eisenhower FH, OKC (EM Only); Aeryn Rekward, Edmond, Ford FS, MWC. The motion passed unanimously.

Motion by Roberts second by Davenport to approve the following: Apprenticeship (1st extension) Charles Grisham, Henryetta, Integrity FS, Henryetta; Kloie Clegg, Claremore, Rice FS, Claremore; Ariana Stevens-Mujica, OKC, Advantage F&CS, OKC. The motion passed unanimously.

Motion by Roberts second by Dunn to approve the following: Apprenticeship (2nd Extension). Lauren Sloan, Sapulpa, Smith FH, Sapulpa. The motion passed unanimously.

Motion by Roberts second by Davenport to approve the following: Apprenticeship (3rd Extension). Mathew Burch, Antlers, Serenity FS, Antlers. The motion passed unanimously.

Motion by Roberts second by Watkins to approve the following: Funeral Director and/or Embalmer (Original), Alpha Alex, OKC (EM Only); Joshua Smith, Guthrie; Ruth Ewing, Bixby; Amy Borazjani, Weatherford (FD Only); Chelsea Evans, Broken Arrow; Reagan Crenshaw, Edmond (EM Only). The motion passed unanimously.

Motion by Roberts second by Davenport to approve the following: Establishments, Whinery Funeral Service and Cremation Center, Elk City, New Establishment, Affordable, Inc., Owner, Elk City, Chris Whinery, FDIC, Elk City; Reynolds+Adamscrest Funeral Service, Tulsa, request to change name to Reynolds-Holz Cremation and Funeral Service; Ferguson Funeral Home, Chickasha, request to close; Ferguson Funeral Home, Chickasha, new establishment, Ferguson & Son Funeral Home LLC, Owner, Chickasha, Christopher Ferguson, FDIC, Chickasha; Grace Funeral Service LLC, Poteau, request to change name to Dowden-Roberts Cremation Center, LLC; Dighton-Moore FS, Owasso, request to change FDIC from Deena Nickerson to Cynthia Ross; Alternatives Cremation & Funeral Service, New Establishment, OKC, Alternatives Cremation and Funeral Service LLC, Owner, Richard Varner, FDIC. The motion passed unanimously.

There was no new business

Strategic Planning: Discussion and possible action regarding change of Board Statutes or Board Rules:

Motion by Davenport second by Roberts to authorize the agency to begin the 2025 permanent rulemaking process, in consultation with legal counsel, to include revising rules including, but not limited to, OAC 235:10-3-2(11), 235:10-14-1, 235:10-15-3, and/or adding new rules. The motion passed unanimously.

Motion by Davenport second by Coble to authorize the agency to begin the 2025 legislative session bill making process, in consultation with legal counsel, in coordination with legislators, to include revising statutes including, but not limited to, §59-396.29, §59-396.30, and/or adding new statutes. The motion passed unanimously.

Motion by Davenport second by Dunn to amend OAC 235:10-3-2(11) to properly reflect procedures regarding FDIC and Establishment name changes. The motion passed unanimously.

Motion by Corbett second by Coble to change the number of caskets required in the selection room. Member Davenport will work on the specific language. The motion passed unanimously.

Motion by Roberts second by Davenport to create a penalty fee schedule. The motion passed unanimously.

Motion by Roberts second by Dunn to table the removal of non-payment of vendor violation. The motion passed unanimously.

Motion by Roberts second by Dunn to table the removal of mandating the NBE provided by the Conference and creation of the State Exam. The motion passed unanimously.

Member Corbett recommended that the Board change the establishment renewal fee to \$750 instead of the base fee plus the \$3 disposition fee. Motion by Roberts second by Coble to table. The motion passed unanimously.

Member Davenport recommended that the Board create a way for the Board to draft emergency rules in the event a complaint needs to fast-track the complaint process for an egregious complaint. Motion by Roberts second by Dunn to table. The motion passed unanimously.

Motion by Corbett second by Davenport to change the definition of cremation to include reduction and direct staff to begin making those statute and rule changes. The motion passed unanimously.

Motion by Roberts second by Corbett for staff to begin the process of rule making and drafting language for: Remove the requirement to submit annually the cremation log for renewals;-create a section with instructions on how to get a crematory licensed;-definitions in the rule to reflect the same as it is in statute;-the Board shall be notified of a new machine being installed and the machines be permitted;-facilities are permanent license and per machine receives a permit;-the crematory shall receive preventative maintenance every 24 months ;- an authorization form shall be submitted to the crematory at the same time the cremation permit is submitted;-there shall be a cremation container used for cremation;-Inspector will lock out crematories for lack of metal disks, containers due to lack of dignified cremation;-a disk shall be used and placed in the primary chamber;-the crematory shall notify the Board of the disk acronym information that the crematory uses;-operators of the crematory shall be reflected on the crematory renewals;-advertising shall not separate the name that is licensed with the Board and a crematory license is not equivalent to the establishment license;- prohibit the solicitation, sale, or marketing of cremation services to Oklahoma via the internet unless they own and operate a licensed funeral establishment within Oklahoma;-modifying the using "cremation" or "crematory" in advertising shall include "we do not own or operate a licensed crematory" if they do not own or operate a crematory. The motion passed unanimously.

Motion by Roberts second by Coble for staff to begin the process of statute changes and working with Legislature and drafting language for: Remove the requirement to submit annually the cremation log for renewals;-create a section with instructions on how to get a crematory licensed;-definitions in the rule to reflect the same as it is in statute;-the Board shall be notified of a new machine being installed and the machines be permitted;-facilities are permanent license and per machine receives a permit;-the crematory shall receive preventative maintenance every 24 months ;- an authorization form shall be submitted to the crematory at the same time the cremation permit is submitted;-there shall be a cremation container used for cremation;- Inspector will lock out crematories for lack of metal disks, containers due to lack of dignified cremation;-a disk shall be used and placed in the primary chamber;-the crematory shall notify the Board of the disk acronym information that the crematory uses;-operators of the crematory shall be reflected on the crematory renewals;-advertising shall not separate the name that is licensed with the Board and a crematory license is not equivalent to the establishment license;- prohibit the solicitation, sale, or marketing of cremation services to Oklahoma via the internet unless they own and operate

a licensed funeral establishment within Oklahoma;-modifying the using “cremation” or “crematory” in advertising shall include “we do not own or operate a licensed crematory” if they do not own or operate a crematory. The motion passed unanimously.

Agency Financial update- Mr. Stiles reported gross receipts for September 2024 to be \$21,970.00 with \$937.50 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$40,037.02 and net income after expenses totaled -\$19,004.52

Motion by Davenport second by Corbett to adjourn the meeting at 11:55AM. The motion passed unanimously.

Brent Matherly
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

THE FUNERAL HOME

A Licensed Funeral Establishment,
Establishment License # 2001ES
PO Box 277
Watonga, OK 73772

owned by:

THE FUNERAL HOME, LLC

621 E. Russworm Dr.
Watonga, OK 73772

KENNETH ANGLIN, JR

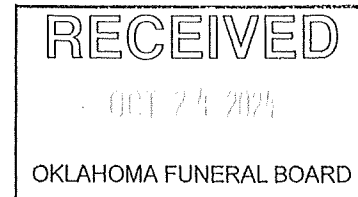
Licenses: 2642FD and 3026EM
Address: PO Box 277
Watonga, OK 73772

A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

THE FUNERAL HOME,

Respondents.

Complaint No. 24-38



COMPLAINT AND NOTICE OF HEARING

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board (“Board”), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, THE FUNERAL HOME, THE FUNERAL HOME LLC, and KENNETH ANGLIN, JR, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the “Act”), and Rules of the Board, Oklahoma Administrative Code (“O.A.C.”) Section 235:10-1-1 *et seq.* (the “Rules”), in the manner set forth below:

JURISDICTION

1. Respondent THE FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 2001ES, and is located at PO BOX 277, Watonga, OK 73772.

2. Respondent KENNETH ANGLIN, JR (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2642FD and 3026EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent THE FUNERAL HOME, LLC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent KENNETH ANGLIN, JR is the owner and registered agent for Respondent THE FUNERAL HOME, LLC.

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

FACTUAL ALLEGATIONS

5. On or about March 28, 2024, Board staff filed a complaint alleging that an FDIC’s assistant placed a temporary grave marker reflecting “Russworm Funeral Homes.” The Russworm Funeral Home has not been actively licensed by the Board since 2014.

6. On March 28, 2024, Board staff processed the complaint, alleging that Respondents had violated 59 O.S. 396.12(B) by advertising itself in a name other than that which the establishment is licensed under. The Board provided Respondents with the Notice of Complaint via certified mail, which was delivered on April 3, 2024.

7. Further, Board staff alleged a violation of Board rule O.A.C. 235:10-15-3(4) for misleading advertising.

8. On April 11, 2024, Respondents filed their response to Complaint 24-38 with the Board. Respondents stated that the grave marker had since been removed and they were unaware it had been posted by their assistant.

9. By public vote during the meeting on June 13, 2024, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

10. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

ALLEGED CONCLUSIONS OF LAW

11. Respondents violated 59 O.S. §396.12(B) by advertising in a name other than that which the establishment is licensed under. The relevant statute, 59 O.S. §396.12(B), provides:

A funeral establishment shall not do business in a location that is not licensed as a funeral establishment, shall not advertise a service that is available from an unlicensed location, and shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.

12. Further, Respondents violated O.A.C. 235:10-15-3(4) by disseminating false, misleading, or deceptive advertising. The relevant rule, O.A.C. 235-10-15-3(4), provides, “an advertisement may not contain statements: (4) any name other than the name the establishment or individual is licensed as.”

13. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent KENNETH ANGLIN, JR., as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

14. Due to the above violations, Respondents are subject to disciplinary action by the Board. See 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

AUTHORIZED PENALTIES

15. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations¹; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

16. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

17. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **NOVEMBER 14, 2024, at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and

¹ When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances, and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. 59 O.S. § 396.12e(C).

310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Kylie Cooper, OBA # 23758
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2024, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:


E -

BY ~~CERTIFIED MAIL~~:

Kenneth Anglin, Jr.
PO Box 277
Watonga, OK 73772

The Funeral Home, LLC
621 E. Russworm Dr.
Watonga, OK 73772

The Funeral Home
PO Box 277
Watonga, OK 73772



Tyler Stiles, MBA
Executive Director

2025 REGULAR MEETING SCHEDULE

Meetings convene at 10 AM the second Thursday of each month. Meeting agendas are posted to the Board's web site www.ok.gov/funeral in accordance with the Oklahoma Administrative Procedures Act.

January 9, 2025

**Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105**

February 13, 2025

**Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105**

March 13, 2025

**Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105**

April 10, 2025

**Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105**

May 8, 2025

**Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105**

June 12, 2025

**Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105**

July 10, 2025
Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105

August 14, 2025
Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105

September 11, 2025
Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105

October 9, 2025
Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105

November 13, 2025
Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105

December 11, 2025
Office of Chief Medical Examiner - OKC
921 N.E. 23rd Street
Conference Room – 1st Floor
Oklahoma City, OK 73105

(#1) AMENDED

§59-396.2. Definitions

15. "Crematory/Reduction Facility" means a structure containing a furnace or alkaline hydrolysis vessel used or intended to be used for the ~~cremation~~ reduction of human remains. The term includes a facility that cremates human remains through alkaline hydrolysis.

(#10) AMENDED

§59-396.30. Licenses – Requirements – Records and reports – Compliance with state and federal health and environmental laws – Inspections.

D. Each funeral establishment performing cremation services shall keep records as required by the Board to assure compliance with all laws relating to the disposition of dead human remains and shall ~~file annually with the Board a report in the form prescribed by the Board~~ describing the operations of the licensee, including the number of cremations performed, the disposition thereof, and any other information that the Board may require by rule.

(#11)NEW

§59-396.12. Funeral establishment required to be licensed – Display of license - Inspection of premises - Sanitary rules – Commercial embalming establishments.

F. A person shall not sell or offer to sell cremation services within this State via the Internet unless the person owns a funeral establishment, reduction facility, or direct cremation facility located within this State and is licensed pursuant to this Act.

(#4a and 4b) AMENDED

§59-396.30. Licenses – Requirements – Records and reports – Compliance with state and federal health and environmental laws – Inspections.

B. Application for an annual license shall be made to the executive director of the Board upon forms prescribed and furnished by the executive director, shall give the location of the crematory, and any other information as the executive director shall require, and shall be accompanied by the crematory license fee pursuant to Section 396.4 of this title. A crematory/reduction facility shall not be licensed separately from a funeral or commercial embalming establishment but shall be licensed in conjunction with and operated by a funeral service or commercial embalming establishment. A crematory/reduction facility license is not equivalent to an establishment license and is solely a supplement to an existing or proposed establishment license, granting the establishment permission to install and operate a permitted cremation/reduction machine. The holder of a crematory/reduction facility license is prohibited from advertising, offering, or soliciting cremation/reduction services to the public solely in the name of the reduction facility license or under any name other than that of its affiliated establishment as presented on its board-issued funeral establishment license. Annual licenses shall expire on December 31 each year, shall specify the name or names of the owners of the crematory and the location thereof, the funeral director in charge, and shall not be transferable either as to the ownership of the crematory, the funeral director in charge or as to the location thereof. The first annual license issued for any crematory at any location shall not be issued by the executive director until the executive director has been satisfied:

AMENDED

OAC 235:10-3-2(11)

(11) Transferability. No establishment license is transferable from one person to another, or from one location to another. In case of the sale, lease, or relocation to a new location, or a change of name of the establishment, the establishment license may remain in force by mutual consent of the buyer and seller for a period of (30) thirty days or until the next regularly scheduled Board meeting, and at such time the license shall expire. The Funeral Director-inCharge must notify the Board office in writing and within ten days of change of ownership, change of Funeral Director-in-Charge, change of address, or change of name. The purchaser, lessee, or owner must notify the Board office to request an inspection, and issuance of a new license. Upon purchase, lease or change of address, ~~change of name, change of Funeral Director in-Charge~~ a new establishment license application must be submitted with fee. Upon change of name or change of Funeral Director-in-Charge, a form determined by the Board shall be submitted with the appropriate fee, per OAC 235:10-5-1. If exigent circumstances warrant additional time to facilitate a Funeral-Director-In-Charge change, upon good cause shown and with written agreement by a licensed funeral director and Embalmer to assume responsibility in the interim, the Board may grant no more than 2 requests of 90 days for an establishment to employ the new Funeral-Director-in-Charge. The licensed funeral director assuming responsibility in the interim shall be exempt from the requirements in 235:10-3-2 (9).

(#2 and #3) NEW

235:10-3-4. Licensing Crematories/Reduction Facilities

Crematories/reduction facilities shall meet all requirements for a full service establishment, except that:

(1) Requirements. A crematory/reduction facility shall have an operable machine reserved for cremating/reducing human remains. Each machine shall be permitted by the Board. Any additional machine shall be permitted by the Board.

(2) Prohibition. The holder of a crematory/reduction facility license is prohibited from advertising, offering, or soliciting cremation/reduction services to the public solely in the name

of the reduction facility license or under any name other than that of its affiliated establishment as presented on its board-issued funeral establishment license.

NEW

235:10-9-2. Investigations

(a) Probable Cause Committee. After a complaint has been filed, the Probable Cause Committee (consisting of the Executive Director and one Board member designated by the Executive Director) shall determine whether the complaint falls within the Board's jurisdiction, whether an investigation is warranted, and if warranted, shall direct the investigation to be made and a summary of the complaint sent to Board members.

(b) Acknowledgement. Each complaint received shall be acknowledged in writing. This acknowledgment shall state that the complaint is being reviewed and the respondent is being given an opportunity to respond to the allegations made by the complainant.

(c) After response. Upon receipt of a response by the respondent and, if after further investigation, it is necessary, the probable cause committee shall submit the information to the Board who will determine if there are reasonable grounds for belief that violation has occurred and make a determination if a hearing is warranted and, if warranted, shall schedule a hearing before the Board. The Probable Cause Committee may recommend to the Board informal disposition be made. The Executive Director shall properly notify the complainant and the respondent of such hearing. The Board member serving on the probable cause committee shall be recused from such hearing. If the Board determines that a hearing is not necessary, then both the respondent and the complainant shall be notified in writing that the complaint will be dismissed.

(d) Jurisdiction. No investigation shall be made on any complaint concerning matters outside the jurisdiction of the Board.

(e) Emergency. If the Board, upon review of the report of the Probable Cause Committee, finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of an original license or renewal, or both, may be ordered by the Board pending initiation of an individual proceeding. In such an event, the individual proceeding against the affected licensee shall be initiated within thirty (30) days after the date of the issuance of the summary suspension order.

(#3, #5, #6, #7, #8, #9) NEW/AMENDED

235:10-14-1. Requirements

(a) Unembalmed human remains awaiting cremation must be placed in refrigerated storage at 40 degrees Fahrenheit or less. All crematories shall have refrigerated storage facilities with a capacity equal to or greater than their average daily case load. If storage facilities are full, additional remains should not be accepted. Human remains shall never be stacked or placed upon other human remains. For purposes of this rule stacked shall mean in direct contact with one body on top of the other body. Storage facilities should not be in public view.

(b) From receiving through storage, cremation, processing, packaging and release, proper identification must accompany the remains at all times.

(c) crematories shall use a metal ID disc and the disc shall be placed in the reduction chamber with the human remains during the cremation/reduction process. The disc shall remain with the majority portion of the reduced remains and provided to the authorizing agent. The metal disc shall have the name or acronym of the crematory and that name or acronym shall be registered with the Board.

(e) ~~(d)~~ Crematories licensed by the Funeral Board shall be used exclusively for the cremation of human remains.

(e) Each human remains shall be placed into a container for cremation/reduction process. If reduction by fire, this container must, at minimum, be a rigid alternative container constructed of corrugated cardboard with at least 5 sides or a hydrolyzable/biodegradable pouch, if the reduction is through alkaline hydrolysis.

~~(d)~~ (f) Upon completion of the cremation, and insofar as practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber. If possible, the noncombustible materials or items shall be separated from the cremated remains and disposed of, in a lawful manner, by the crematory. The cremated remains shall be reduced by motorized mechanical device to granulated appearance appropriate for final disposition.

~~(e)~~ (g) The cremated remains with proper identification shall be placed in a temporary container or urn, unless specific written authorization has been received from the authorizing agent which directs otherwise.

~~(f)~~ (h) If the cremated remains will not fit within the dimensions of a temporary container or urn, the remainder of the cremated remains shall be returned to the authorizing agent or its representative in a separate container attached to the first container or urn identifying such containers as belonging together.

~~(g)~~ (i) The walls and floor of the cremator work area must be constructed, and of such materials, and finished in a way that they may be cleaned and disinfected.

~~(h)~~ (j) The Crematory area shall not have a passageway for public use.

~~(i)~~ (k) Cremation log will be maintained by the crematory that contains the following:

- (1) Name of deceased
- (2) Name and address of Authorized Representative
- (3) Cremation permit number from the Oklahoma Medical Examiner's Office
- (4) Cremation date
- (5) Funeral home or commercial embalming establishment handling cremation

~~(j)~~ (l) No human remains may be cremated without first obtaining a cremation permit from the proper agency of the state where death occurred.

~~(k)~~ (m) Identification of Dead Human Bodies. In addition to the cremation log provided in Section 235:10-14-1 (i):

(1) A non-detachable bracelet attached at all times to the human remains shall identify each human body in the possession or custody of the funeral establishment, commercial embalming establishment, or crematory in this state.

(2) The non-detachable bracelet must at a minimum contain the following information:

(A) First and last name of deceased

(B) Date of Death

(n) Each person that operates the crematory/reduction facility shall be registered by the Board to be submitted annually upon renewal.

(o) No human remains may be cremated without a signed cremation authorization. The authorization must at a minimum contain the following information:

A. ??????

B. ??????

(p) Each crematory machine shall successfully complete preventative maintenance & safety inspection and provide proof of maintenance annually with renewal.

(#12) AMENDED

235:10-15-3. False or misleading advertising

(5) using the name "crematory" "*cremation,*" or *any related variants thereof* in conjunction with ~~the name of a licensed funeral establishment or commercial embalming service when the establishment or embalming service does not hold a crematory license and the crematory is not located on-site,~~ unless the licensed establishment, its legal entity, parent company, or corporation also owns and operates a licensed (Permitted) crematory/reduction facility within the state. Otherwise, the statement must be immediately followed by a boldly printed disclaimer: "We do not own or operate a licensed crematory/reduction facility."

Amended

235:10-3-2. Requirements for licensing funeral service establishments

To be licensed by the Board a funeral service establishment or a commercial embalming establishment must meet the following minimum requirements:

(1) **Ownership.** The establishment shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, or a subsidiary of a corporation, a partnership, a limited liability partnership, a limited partnership, or a limited liability company, or by a corporation chartered in the State of Oklahoma.

(2) **Fixed place.** The establishment shall have a fixed place of business with a specific street address or physical location and shall conform to local zoning ordinances as evidenced by an occupancy permit issued by the proper local governmental entity authorizing the occupancy of a funeral service establishment at that location. Only one establishment license shall be issued to a specific address. If the establishment will contain a preparation room which does not discharge into a municipal sanitary sewer it must also secure permission from the appropriate county and/or state agency for any such discharge from the embalming room prior to being eligible to receive a funeral establishment or commercial embalming establishment license from this Board. Any establishment which has been issued an establishment license under a rule of the Board having different requirements than this sub-section for a fixed place will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed, except as provided under sub-section (15).

(3) **Inspected.** The establishment shall be inspected by a representative of the Board prior to being initially licensed and periodically as determined by the Board.

(4) **Statutes and Rules.** Each establishment shall have available a current copy of the Oklahoma Statutes and Rules related to the practice of funeral directing and embalming available for public inspection.

(5) **Preparation room.**

(A) The establishment shall have a preparation room. Such preparation room shall meet the following minimum requirements:

(i) **Construction.** The walls, floor, and ceiling must be constructed, and of such materials and finished in a way that they may be cleaned and disinfected. The room must be of sufficient size and dimension to accommodate an embalming table, a sink that drains freely with hot and cold running water connections, an instrument table, cabinet, and shelves. The embalming table must have a rust proof metal,

porcelain, or fiberglass top, with edges raised at least 3/4 inches around the entire table and drain opening at the lower end.

(ii) **Ventilation.** The preparation room shall be heated and air-conditioned. The preparation room must be properly ventilated with an exhaust fan that provides at least five room air exchanges per hour. All fumes must be ventilated to the outside atmosphere. The construction must be such that odors from the preparation room cannot enter the rest of the establishment.

(iii) **No public use.** The room shall not have a passageway available for public use.

(iv) **Equipment.** The room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection shall require embalming chemicals to be stored in the preparation room. The room shall have no excess equipment stored, other than equipment necessary for preparing dead human remains, and performing necessary restorative art work. There shall be storage shelves, drawers, or cabinets for all supplies, instruments, and equipment. The room and equipment shall be maintained in a clean and sanitary condition.

(v) **Openings covered.** All outside openings shall be covered with screens.

(vi) **Interior view.** Measures must be taken to prevent a view of the interior of the room through any open door or window.

(vii) **Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s). If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

(B) **Exceptions.** A funeral establishment operated in conjunction with another licensed funeral establishment, with same ownership, shall be exempt from maintaining a preparation room provided it is located within 60 miles of the main establishment and can be practically served by the main establishment.

~~(6) **Selection room.** The establishment shall have a selection room. Such room shall be devoted solely to the purpose of providing a means for the public to make a reasonable selection of funeral service merchandise. Such room shall be of adequate size and furnishings. Such selection room shall meet the following minimum requirements:~~

~~(A) **Casket and outer burial container price lists.** The funeral provider must offer a printed or typewritten price list to people who inquire in person about the offering or prices of funeral merchandise including caskets, alternative containers and outer burial containers. The price list must be offered upon the beginning of discussion of, but in any event before showing the funeral merchandise. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner.~~

~~(B) **Caskets.** Each funeral establishment shall maintain an inventory of not less than five adult caskets at the location, or five quarter panel or end cut display units provided by a commercial casket manufacturer. Any establishment which has been issued an establishment license under a rule of the Board having different requirements than this subsection for the number of caskets in inventory will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed, except as provided under sub-section (15).~~

~~(C) **Equipment.** The selection room shall have no excess equipment stored, other than equipment necessary for the proper display of funeral service merchandise.~~

~~(D) **Condition.** The room shall be maintained in a clean, neat, and orderly fashion at all times.~~

~~(7)~~ (6) **Other rooms.** The establishment shall have adequate areas for public viewing of dead human remains and necessary offices for conducting the business affairs of the establishment. The establishment may have other rooms, offices, and other facilities, including restrooms for the staff and public lounge areas. All other rooms and facilities shall be maintained in a clean, neat, and orderly fashion at all times.

~~(8)~~ (7) **Vehicles.** The establishment shall have the necessary automotive vehicles to provide adequate service to the public. This shall not prohibit the establishment from arranging to lease, borrow, or otherwise arrange for extra vehicles when needed.

~~(9)~~ (8) **Licensed funeral director and embalmer.**

(A) Each funeral service establishment shall have at least one full-time dual licensed funeral director and embalmer employed to be designated as the Funeral Director-in-Charge of the operation of the establishment and who has been approved by the Board as the Funeral Director in Charge. The establishment must also have a sufficient number of other licensed individuals to adequately serve the public.

(B) If an individual owner, partners, or corporation officers are not licensed funeral directors, then the owner, partners, or the corporation must employ a full-time dual licensed funeral director and embalmer to serve as Funeral Director-in-Charge of the establishment.

(C) No licensed funeral director may serve as the Funeral Director-in-Charge of more than one (1) funeral service establishment without the express written authorization of the Board. With the written order of the Board a licensed funeral director, upon good cause shown that such is in the public interest, may serve as a Funeral Director-in-Charge of more than one (1) funeral service establishment but in no event may any such licensed funeral director be the Funeral Director-in-Charge of more than three (3) such funeral service establishments. All of the establishments must be under the same ownership, and no establishment included in the application can be more than a 90 miles radius from the most centrally located establishment contained in the application.

(D) The funeral director-in-charge shall reside and maintain a permanent residence within 90 miles of the funeral establishment, commercial embalming establishment, or crematory.

(E) The Funeral Director-in-charge of an establishment(s) serves that position and retains the responsibility of Funeral Director-in-charge until he or she notifies the Board in writing of such termination or resignation from that position. The letter notifying the Board must be within (10) ten days of separation of employment.

~~(10)~~ (9) **Funeral Director In Charge.** The Funeral Director in charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and on the body intake log.

~~(11)~~(10) **Transferability.** No establishment license is transferable from one person to another, or from one location to another. In case of the sale, lease, or relocation to a new location, or a change of name of the establishment, the establishment license may remain in force by mutual consent of the buyer and seller for a period of (30) thirty days or until the next regularly scheduled Board meeting, and at such time the license shall expire. The Funeral Director-in-Charge must notify the Board office in writing and within ten days of change of ownership, change of Funeral Director-in-Charge, change of address, or change of name. The purchaser, lessee, or owner must notify the Board office to request an inspection, and issuance of a new license. Upon purchase, lease or change of address, change of name, change of Funeral Director-in-Charge a new establishment license application must be submitted with fee. If exigent circumstances warrant additional time to facilitate a Funeral-Director-In-Charge change, upon good cause shown and with written agreement by a licensed funeral director and Embalmer to assume responsibility in the interim, the Board may grant no more than 2 requests of 90 days for an establishment to employ the new Funeral-Director-in-Charge. The licensed funeral director assuming responsibility in the interim shall be exempt from the requirements in 235:10-3-2 (9).

~~(12)~~ (11) **Requirement to practice.**

The issuance of a funeral service establishment license to an individual not licensed as a funeral director does not entitle the individual to practice funeral directing.

~~(13)~~ (12) **License lapse.** All establishment licenses lapse on the thirty-first of December for the year issued.

~~(14)~~ (13) **Inspection.** Every funeral service establishment, commercial embalming establishment, or crematory, shall be at all times subject to inspection by the Board. Inspections are to be reasonable in regard to time and manner.

~~(15)~~ (14) **Grandfather.** Any establishment which has been issued an establishment license under a rule of the Board having different requirements, then such Establishment is permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed. The Establishment license of such grandfathered establishment is not transferable. At such time as a change of ownership, purchase, lease, or change of address of such grandfathered funeral establishment is made then such establishment must meet the current requirements of this subchapter.

~~(16)~~ (15) **Application.** Any person or entity who desires to operate a funeral service establishment, commercial embalming establishment, or crematory must submit an application for an original license, renewal of a license, or change in funeral director on forms provided by the Board.

- (A) Each application for an original license shall include, at a minimum, the following:
- (i) The current and previous name, if any, for a funeral service establishment, commercial embalming establishment, or crematory;
 - (ii) The address of the physical location and telephone number of the funeral service establishment, commercial embalming establishment, or crematory;
 - (iii) The name and license number of the proposed Funeral Director in Charge and affidavit of proposed Funeral Director in Charge;

- (iv) The name of the current owner and, if applicable, all previous owners for the past sixty (60) months of the funeral establishment, commercial embalming establishment, or crematory;
- (v) Whether the funeral service establishment, commercial embalming establishment, or crematory is a sole proprietorship, corporation, partnership, a limited liability partnership, limited partnership, a limited liability company, or a subsidiary of a corporation, a partnership, limited liability partnership, limited partnership, a limited liability company, or other business entity;
- (vi) The name and address of each person owning five (5) percent or more of the funeral service establishment, commercial embalming establishment, or crematory, or corporation common stock, or of the equity capital or membership interest of a limited liability company, a partnership, a limited liability partnership, a limited partnership, or sole proprietorship;
- (vii) If a corporation, partnership, limited liability partnership, limited partnership, or limited liability company;
 - (I) The state and date of incorporation or formation;
 - (II) The name and address of the registered agent or agent appointed to receive service of process;
 - (III) The name, address, and title of each officer, director, general partner, or member and
 - (IV) A copy of the certificate of incorporation, articles of organization, or certificate or agreement of formation, and any other document filed with the Oklahoma Secretary of State, which allows the entity to do business in Oklahoma.
- (viii) Whether the applicant, or any individual required to be disclosed under this section, has ever been convicted of, or entered a plea of guilty or no contest, to a felony, or to a misdemeanor related to funeral services, including the:
 - (I) Felony or misdemeanor charged;
 - (II) Date of conviction or plea;
 - (III) Court having jurisdiction over the felony or misdemeanor;
 - (IV) Probation officer's name, address, and telephone number, if applicable.
- (ix) Whether the applicant, or any individual required to be disclosed under this section, has received any adverse ruling from any court of competent jurisdiction or any administrative tribunal involving honesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to funeral services, including the case number and the court or administrative body in which it was filed.
- (x) Whether the applicant, or any individual required to be disclosed under this section, has ever had an application for a license, registration, certificate, or endorsement denied or rejected by any state licensing authority, including the:
 - (I) Reason for the suspension or revocation;
 - (II) Date of the denial or rejection; and
 - (III) Name and address of the state licensing authority that denied or rejected the application.

(xi) Whether the applicant, or any individual required to be disclosed under this section, has ever had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority, including the:

- (I) Reason for the suspension or revocation;
- (II) Date of the suspension or revocation; and
- (III) Name and address of the state licensing authority that suspended or revoked the license.

(xii) Whether the applicant, or any individual required to be disclosed under this section, has ever surrendered a license, registration, certificate, or endorsement to the Board or any state funeral licensing authority.

(B) Renewal applications shall include any changes in the above information from the original application or the previous renewal application.

~~(17)~~ **(16) Renewal license.** Once issued, all original funeral service establishments, commercial embalming establishments, and crematories shall lapse on December 31 of the year of issue. Thereafter, except as provided in 235:10-3-2(11) said establishment may make application for renewal of the existing original license. The renewal application shall contain information as deemed appropriate by the Board.

~~(18)~~ **(17) Grounds for refusal.** The board may refuse to issue an original license or renew a license:

- (A) For any felony conviction, or a misdemeanor conviction related to funeral service, by any individual required to be disclosed under this sub-section, may be grounds to deny the application.
- (B) For any answer in the affirmative to 235: 10-3-2 (16)(A)(viii,ix,x,xi,xii), by any individual required to be disclosed in this sub-section.
- (C) If the Board finds the application contains false or misleading information.
- (D) If the Application is incomplete or improperly completed.
- (E) Failure to pay the license application fee.
- (F) Failure to comply with all other rules as prescribed in Section 235.
- (G) For any individual required to be disclosed under this section who is implicated in a complaint that has been found to have probable cause. The application may be tabled pending the resolution of the complaint.

AMENDED (ES Fee Change)

§59-396.4. Fees.

A. 1. The Oklahoma Funeral Board shall set fees pursuant to rule for all licenses, registrations, examinations and renewals required by the Funeral Services Licensing Act.

2. Until the Oklahoma Funeral Board sets fees pursuant to rule, the following shall be the fees charged for the licenses, registrations, and examinations required by the Funeral Services Licensing Act:

Funeral Director License or Renewal \$75.00

Embalmer License or Renewal \$75.00

Registration for Funeral Director/Embalmer Apprentice \$150.00

Extension of Funeral Director /Embalmer Apprentice \$150.00

Embalmer Examination \$100.00

Funeral Director Examination \$100.00

State Law Examination \$100.00

Funeral Establishment License or Renewal ~~\$250.00~~ \$750.00

Commercial Embalming Establishment License or Renewal \$250.00

Reciprocal License for Funeral Director or Embalmer \$150.00

Change of Funeral Director in Charge \$150.00

Crematory License or Renewal \$250.00

~~B. The Oklahoma Funeral Board shall assess Three Dollars (\$3.00) for each disposition performed by the licensed funeral establishment or commercial embalming establishment. The disposition fee shall be payable upon renewal of the license as provided in subsection E of this section and shall be calculated from November 1 of the preceding calendar year to October 31 of the current calendar year for each licensee. For purposes of this subsection, "disposition" means each time the licensed establishment files an original death certificate pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes.~~

AMENDED

§59-396.3. Qualifications and examination of funeral directors and embalmers - Approved schools.

B. 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: An applicant for a license to practice funeral directing or embalming shall be at least eighteen (18) years of age, a legal resident of this state, a citizen or permanent resident of the United States. In addition, an applicant shall be a graduate of a program of funeral service/mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to

graduation from the school and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination, or State Embalmer and/or State Funeral Director Examination, with a 75 or higher on each exam.

C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least eighteen (18) years of age, a legal resident of this state, a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of Study shall include at least thirty (30) semester hours or Equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twentyfive arrangement conferences and assisted with twenty-five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study. 2. Curriculum of study for a funeral director license shall be in a program of mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass an exam provided by the International Conference of Funeral Service Examining Board, or State Funeral Director Examination, with a seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board, with a seventy-five (75) or higher. A license to practice as a funeral director issued pursuant to this subsection shall be restricted to funeral director, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

4. Curriculum of study for an embalmer license shall be in a program of funeral service/mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass the embalmer examination provided by the International Conference of Funeral Service Examining Board, or State Embalmer Examination, seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board, with a seventy-five (75) or higher. A license to practice as an embalmer issued pursuant to this subsection shall be restricted to embalmer, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

NEW

Assistant funeral director's license; qualifications; fees; application; registration; suspension or revocation of license; procedure; renewal; rules and regulations.

(a) The term "assistant funeral director" as herein used means a person who assists a duly Oklahoma licensed funeral director in one or more of the principal functions of funeral directing, and is actively engaged in such work. An assistant funeral director must be an employee of the funeral director-in-charge under whom the employee is registered, and shall be a person to whom the funeral director-in-charge delegates the responsibility of conducting funeral services, making funeral arrangements, and making interments.

(b) The State Board may, in its discretion, license assistant funeral directors to each Oklahoma licensed Funeral Director-in-Charge. The Funeral Director-in-Charge shall have only one assistant funeral director. Licensure as an assistant funeral director shall be separate and distinct from registration as an apprentice funeral director and/or embalmer. The Board may issue an assistant funeral director license on successful completion of the Oklahoma Funeral Board law examination, the manner and form of which is to be determined by the Board, and upon the payment of the application fee which shall include the license fee for the current year or portion thereof, and such application and registration and renewal fee shall be in the amount fixed by the Board in accordance with the provision of §59-396.4. Before issuing a license to an applicant for an assistant funeral director's license, the Board shall require satisfactory proof that the applicant is capable and trustworthy to act as such and that the applicant is a person of good moral character, has a good standing in the community and is qualified to engage in the business. In determining the moral character of any such applicant, the Board shall take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure. Each person applying for an assistant funeral director's license shall make application and be recommended in writing on forms provided by the Board. The application shall show that the applicant is at least 18 years of age and shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university before such license can be issued to the applicant. Upon issuing a license to an assistant funeral director, as herein provided, the Board shall cause the licensee to be registered in under the supervision of the Oklahoma licensed funeral director by whom such licensee is employed and under whom such licensee is registered. The funeral director under whom the assistant funeral director has been registered must immediately notify the Board when the licensee has left the director's employ. Upon the re-employment of the licensee by any other funeral director-in-charge, such licensee shall be reinstated by the Board. The work of an assistant funeral director shall at all times be under the supervision and control of the Oklahoma licensed funeral director under whom the licensee is registered. Licenses of assistant funeral directors may be suspended or revoked, or the Board may refuse to issue or renew the same, for any of the reasons and in the manner stated herein for funeral directors' licenses.

(c) The expiration date of each license shall be December 31. Subject to the provisions of this section, each license shall be renewable on an annual basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee.

(d) The funeral director assistant shall complete continuing education in accordance with the provision of §59-396.5b.

AMENDED

§59-396.4. Fees.

2. Funeral Director License or Renewal \$75.00

Embalmer License or Renewal \$75.00

Registration for Funeral Director/Embalmer Apprentice \$150.00

Extension of Funeral Director /Embalmer Apprentice\$150.00

Funeral Director Assistant \$250.00

Embalmer Examination \$100.00

Funeral Director Examination \$100.00

State Law Examination \$100.00

Funeral Establishment License or Renewal \$250.00

Commercial Embalming Establishment License or Renewal \$250.00

Reciprocal License for Funeral Director or Embalmer\$150.00

Change of Funeral Director in Charge\$150.00

Crematory License or Renewal \$250.00

NEW

235:10-7-3 Enforcement

(a) If a person violates any provision of the Funeral Services Licensing Act or any rule promulgated pursuant thereto, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with 59 O.S. §396.2a(11).

(b) the Administrative Penalties and Sanctions Schedule published following this section sets penalty limits and ranges by class of offense and number of offenses.

(c) The Board may negotiate a lower penalty than outlined in the Administrative Penalties and Sanctions Schedule based on the following factors:

- (1) Attempts by the licensee to correct or stop the violation;
- (2) Number of complaints previously found justified against licensee;
- (3) Whether the act was unintentional; and
- (4) Other mitigating factors that could warrant a lower penalty.

(d) Multiple violations of the Funeral Services Licensing Act or any rule promulgated pursuant thereto, may result in higher penalties. Multiple violations may consist of violation of more than one section of the law, numerous violations of the same section of the law, or a combination of both.

(e) The Board may require a licensee to issue a refund to a consumer in lieu of or in addition to assessing an administrative penalty.

Class A

1st violation: \$250

2nd violation: \$500

3rd violation: \$1,000

4+ violations: up to \$2,500 and/or sanction

OAC	235:10-7-2(9)	Failure to discharge a financial obligation
OAC	235:10-7-2(15)	Failure to submit application for establishment license
OAC	235:10-7-2(18)	Failure to comply with Licensing Act
OAC	235: 10-7-2(19)	Failure to comply with the Child Support Statute
OAC	235:10-7-2(25)	Licensing exam invalidation

Class B

1st violation: \$1,000

2nd violation: \$1,500

3rd violation: \$2,500

4+ violations: up to \$5,000 and/or sanction

OAC	235:10-7-2(3)	Failure to offer or provide a printed General Price List
OAC	235:10-7-2(4)	Failure to give itemized, written statement of Goods and Services
OAC	235:10-7-2(11)	Solicitation of business
OAC	235:10-7-2(12)	Reusing of caskets
OAC	235:10-7-2(13)	Charging for merchandise not contracted for
OAC	235:10-7-2(14)	Failure to file any necessary permit in a timely manner
OAC	235:10-7-2(17)	False or misleading advertising
OAC	235:10-7-2(21)	Failure to comply with a Board subpoena
OAC	235:10-7-2(22)	Obstruction of a Board investigation

Class C

1st violation: \$2,500

2nd violation: \$3,500

3rd violation: \$5,000

4+ violations: up to \$10,000 and/or sanction

OAC	235:10-7-2(1)	Material misrepresentation
OAC	235:10-7-2(2)	Criminal Actions
OAC	235:10-7-2(6)	Non-licensed Funeral Director
OAC	235:10-7-2(7)	Non-licensed embalming
OAC	235:10-7-2(8)	Non-registered apprentice
OAC	235:10-7-2(10)	Desecration
OAC	235:10-7-2(16)	Suspension or Revocation of license in another state
OAC	235:10-7-2(20)	Selling of bodies or body parts
OAC	235:10-7-2(23)	Forgery
OAC	235:10-7-2(24)	Compromising licensing exam
OAC	235:10-7-2(26)	Violation of any of the ethics rules
OAC	235:10-7-2(27)	Aiding or abetting unlicensed practice