

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-** Members Corbett, Davenport, Dunn, Matherly, Roberts, Watkins were present. Member Coble was absent.
2. **Approval of the October 10, 2024 Regular Board meeting minutes -Approved**
3. **Oklahoma Funeral Director's Association Update from a Representative of OKFDA, with possible discussion-**Dustin Pierce with OKFDA provided the following update: OKFDA will be running a bill to remove the NBE as the required method of test and adding a State test. Last call CE is December 8-9th and go to the OKFDA website to register for the training. OKFDA Membership has been mailed out.
4. **Oklahoma Insurance Department Update from a Representative of OID, with possible discussion-**Lorie Jones and Gloria Light from OID provided the following update: OID has made changes that begin January 1 regarding the way reporting is completed for insurance assignments. OID will provide instructions with the highlighted information at a later time.
5. **Review complaints with possible vote for probable cause or other action**
 - 24-41 Non-Payment of Vendor- **No Action**
 - 25-13 Cremation Issues-**Found Probable Cause**
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. The Board accepted a consent order on this case. The consent order consisted of the following: The agreed violations were: misleading advertising, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$5,000, 12 additional hours of CE, and \$500 costs.

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

A. Apprenticeship (Original)-All Approved

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)- All Approved

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)- **Approved**
1. Tierrika Hutton, OKC, Chapel Hill FH, OKC
- D. Apprenticeship (3rd Extension)-**Tabled**
1. Graciela Creed, Woodward, Billings FH, Woodward
- E. Funeral Director and/or Embalmer (Original) -**All Approved**
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- **All Approved**
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 Gaton
 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- **Approved**

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. **-No New Business**
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-**No Action**
 - B. Removal of disposition fee and increase of the flat fee of establishment renewals -**Discussion but later Denied in item 10H**
10. **Adoption of proposed language regarding the following Statute or Board Rule change:**
- proposed languages follows the notes
 - A. Funeral Director Assistant's License-**Approved**
 - B. OAC 235:10-3-2(11) Transferability Rule Change of FDIC and/or Name Change application-**Approved**
 - C. Requirement of Specific Number of Caskets in Selection Room-**Approved**
 - D. Creation of Penalty Schedule for Complaints-**Approved**
 - E. Updating Cremation Statutes and Rules-**Approved**
 - F. Creation of rules for emergency action on egregious complaints-**Approved**
 - G. NBE Administered by The Conference/Creation of State Administered Board Exam **-No Action**
 - H. Removal of disposition fee and increase the flat fee of establishment renewals-**Denied**
11. **Executive Director's Report**
 - A. Agency Financial Update **Mr. Stiles reported gross receipts for October 2024 to be \$11,675.00 with \$342.50 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$40,301.29 and net income after expenses totaled - \$28,968.79**

12. Discussion and possible action on adoption of meeting dates for calendar year 2025 and approval of those meetings for CE. Approved

13. Adjournment – 11:28AM

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.

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.

AMENDED

§59-396.2a

5. Issue licenses for funeral directors, embalmers, funeral establishments, commercial embalming establishments, ~~and~~ crematories, and each crematory operator shall be registered with the Board;

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.

AMENDED

§59-396.29. Cremation – Interment – Liability for final disposition or cremation – Identification system – Disposition of unclaimed remains – Military veteran.

A. The person charged by law with the duty of burying the body of a deceased person may discharge such duty by causing the body to be cremated as authorized and provided for in the following sections of this article, but the body of a deceased person shall not be disposed of by cremation, or other similar means, within the State of Oklahoma, except in a crematory duly licensed as provided for herein, and then only under a special permit for cremation issued in accordance with the provisions hereof.

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

1. The name of the decedent.
2. The decedent's date of birth.
3. The decedent's date of death.
4. The decedent's time of death.
5. The decedent's place of death.
6. Name, address, and establishment license number of the arranging funeral home.
7. Name and license number of the arranging funeral director.
8. Name, address, and establishment number of the affiliated cremation/reduction facility.
9. The permit number of the cremation/reduction machine utilized for the cremation/reduction of the named decedent.
10. OCME issued cremation/reduction permit number. (Must be attached to this form when received)
11. I.D. Disc serial number. (Its use is required)
12. Description of the cremation container utilized. (Its use is required)
13. Description of the urn or other container into which the decedent's cremated/reduced remains are placed. (Its use is required)
14. The name of the Authorizing Agent.
15. The authorizing agent's relation to the decedent.
16. Signature of the Authorizing Agent with the corresponding date signed.
17. Signature of arranging funeral director with the corresponding date signed.
18. Name, address, and telephone number of the person or place to whom the cremated/reduced remains are to be released, if not the authorizing agent.

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.

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:

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

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. 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).

~~(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) **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.

NEW

235:10-3-4. Licensing Crematories

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

- (1) Requirements. A crematory 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 license is prohibited from advertising, offering, or soliciting cremation 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

235:10-7-3 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 different penalty than outlined in the Administrative Penalties and Sanctions Schedule, in extenuating circumstances, 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

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.

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

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 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."