

4717-7-02 Requirements for funeral home licensure.

(A) At least sixty days prior to the opening for business of any funeral home, thereof, the funeral director, who will be actually in charge thereof, shall notify the board of such anticipated opening and shall submit an application for funeral home license sworn by the applicant and accompanied by the applicable fee.

(B) The board shall approve the application for funeral home license, if appropriate, contingent upon the receipt of an occupancy permit and inspection.

(C) A license shall not be issued to a funeral home until the following management requirements are met:

(1) A funeral director ~~manager and a funeral director~~ actually in charge of and ultimately responsible for the funeral home is identified;

~~(2) A funeral director manager is employed by the establishment on a full-time basis;~~

~~(3) (2)~~ The holder of a funeral home license shall submit to the board written notification, within ten days of any termination of ~~a manager or~~ the funeral director actually in charge of and ultimately responsible for the funeral home. Except in extenuating circumstances, and with approval of the board, no funeral home is to operate without ~~a full-time manager or~~ a funeral director actually in charge of and ultimately responsible for the funeral home for more than ~~third~~ thirty days after the written notification is filed with the board, however, a change of ~~manager~~ the funeral director actually in charge of and ultimately responsible for the funeral home does not require a new license. The holder of the funeral home license shall submit an amendment naming a new ~~manager or~~ funeral director actually in charge within thirty days of filing the written notification with the board. Any funeral home that fails to comply with this rule shall cease operations.

~~(4) A funeral director, who acts as manager of a funeral home, shall not manage more than one such home except by special permission granted by the board for a limited time by reason of emergency conditions.~~

~~(5) The manager's name shall appear at the main ingress door to the funeral home in letters not less than one inch high and be identified as manager if manager's name is other than name of the funeral home.~~

(D) A license shall not be issued to a funeral home until the funeral home meets the following requirements:

(1) Every funeral home shall possess and keep in good working condition on the premises such equipment and paraphernalia as the board deems adequate for the conduct of business and the protection of the public health. All portions of a funeral home which are accessible to or used by the general public shall be kept in a clean and sanitary condition.

(2) If embalming will take place at the funeral home, the funeral home shall maintain on the premises a preparation or embalming room which shall be adequately equipped and maintained in a sanitary manner for the preservation and care of dead human bodies. Such rooms shall contain only the articles, facilities and instruments necessary for the preparation of dead human bodies for burial or final disposition and shall be kept in a clean and sanitary condition. Such rooms shall be used only for the care and preparation of dead human bodies. The minimal requirements for the preparation or embalming room shall be as follows:

- (a) Sanitary floor;
 - (b) All instruments and appliances used in the embalming of a dead human body shall be thoroughly cleansed and sterilized using an appropriate disinfectant immediately at the conclusion of each individual case;
 - (c) Running hot and cold water with a sink for personal hygiene;
 - (d) Exhaust fan and intake vent, permanently installed and operable with the capacity to change the air in the room at least fifteen times each hour;
 - (e) Sanitary plumbing connected with sewer, cesspool, septic tank, or other department of health approved system;
 - (f) Porcelain, stainless steel; metal-lined or fiberglass operating table;
 - (g) All opening windows and outside doors shall be adequately screened and shielded from outside viewing;
 - (h) All hydro-aspirators or electric aspirators shall be equipped with at least one air breaker;
 - (i) Containers for refuse, trash and soiled linens shall be adequately covered or sealed at all times;
 - (j) First-aid kit and eyewash;
 - (k) The embalming or preparation room shall be strictly private. A "private" sign shall be posted on the door(s) entering the preparation room. No one shall be allowed therein while the body is being embalmed except the embalmers, funeral directors, apprentices, officials in discharge of their duties, and other authorized persons;
 - (l) All waste materials, refuse, used bandages and cotton shall be destroyed in accordance with all applicable OSHA and EPA regulations;
 - (m) Every person, while engaged in actually embalming a dead human body, shall be attired in a clean and sanitary smock or gown covering the person from the neck to below the knees, shall wear impervious rubber gloves, and shall wear any and all items required under any applicable OSHA regulations;
 - (n) All bodies in the preparation room shall be treated with proper care and dignity and shall be properly covered at all times;
 - (o) Ingress and egress of the preparation room shall be situated so that functions in the funeral home will not impede or interfere with entering or exiting said room; and
 - (p) Sufficient emergency lighting.
- (3) If embalming will not take place at the funeral home, the funeral home shall maintain on the premises a holding room which shall be adequately equipped and maintained in a sanitary manner for the holding of dead human bodies. Such holding room shall be kept in a clean and sanitary manner and used only for the holding and storage of dead human bodies. The minimal requirements for the holding room shall be as follows:

- (a) Sanitary floor;
- (b) Running hot and cold water with a sink for personal hygiene;
- (c) All opening windows and outside doors shall be adequately screened and shielded from outside viewing;
- (d) Containers for refuse, trash and soiled linens shall be adequately covered or sealed at all times;
- (e) The holding room shall be strictly private. A "private" sign shall be posted on the door(s) entering the holding room. No one shall be allowed therein while the body is being held except the embalmers, funeral directors, apprentices, officials in discharge of their duties, and other authorized persons;
- (f) All bodies in the holding room shall be treated with proper care and dignity and shall be properly covered at all times;
- (g) Ingress and egress of the holding room shall be situated so that functions in the funeral home will not impede or interfere with entering or exiting said room; and
- (h) If the holding room is equipped with a hydro-aspirator or electric aspirator, the aspirator shall be equipped with at least one air breaker.
- (E) Upon approval of the application for a funeral home license involving a facility that has not previously been utilized as a licensed funeral home, the funeral director shall submit to the board an occupancy permit certifying that the facility is in conformance with all applicable building codes.
- (F) Upon receipt of the occupancy permit and prior to the opening of the funeral home, the board, any member thereof, or its duly authorized inspector shall inspect such funeral home.
- (G) The funeral home license shall be effective upon the completion of the inspection and approval by the inspector.
- (H) No funeral director actually in charge shall operate or participate in the operation of any such funeral home, unless the board first grants its approval for such operation or participation, and which shall be based upon the results or findings of the inspection.
- (I) License display
 - (1) The individual funeral director's license of each licensee employed at a funeral home shall be conspicuously displayed at the funeral home in such a manner that it may be seen by the general public. In instances of multiple operations, the license shall be displayed at the principal site of employment.
 - (2) The individual embalmer's license of each licensee employed at a funeral home shall be conspicuously displayed in a public place in that home. ~~or in the preparation room.~~
- (J) Any holder of any license shall notify the board in writing, within fifteen days of any change of address of licensee.
- (K) The board shall have the right to examine the funeral home location for which a funeral home license application has been filed.

(L) When a request for a license is rejected, the board shall notify the applicant of his right to a hearing. The applicant shall request a hearing within thirty days of the time of mailing the notice. When the applicant requests a hearing, the board shall immediately set a date, time, and place for a hearing and shall notify the applicant. The date shall be within fifteen days, but not earlier than seven days, after the applicant requested the hearing, unless otherwise agreed to by both parties.

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