

4717-8-01

**Unprofessional conduct.**

Unprofessional conduct includes, but is not limited to, the following:

- (A) Solicitation of dead human bodies by an embalmer or funeral director, or an apprentice, or a crematory operator, or an agent, an assistant, employee or any other person acting on behalf of the licensee with their knowledge and consent, expressed or implied, when the solicitation occurs after death;
- (B) Interference of an embalmer or funeral director, directly or indirectly, in any manner or through any other person, with another embalmer or funeral director who has lawful charge of a dead human body;
- (C) Disclosure by a licensee or apprentice or crematory operator permit holder of confidences, privacies, confidential facts, confidential opinions or secrets of the life of any person, persons or family members, the knowledge of which was acquired through professional relationship with said person, persons or family members.
- (D) Violations of the federal trade commission's funeral industry rule, codified as Chapter 16, Part 453 of the Code of Federal Regulations, as amended, July 19, 1994 (hereinafter, referred to as the "funeral rule"). A copy is available on the federal trade commission's website at <http://www.ftc.gov>.
- (E) Violations of state or federal laws involving dishonesty, falsification, misrepresentation, deceit or deception.
- (F) Misappropriation by a funeral director, funeral home or funeral home's employee of any amount of money whether paid by a consumer or acquired by any other means in order to fund his or her funeral service.
- (G) Failure to comply with any board request during an inspection or investigation, or finding, or order.
- (H) Falsification or misrepresentation on any application or document submitted to the board.
- (I) Failure to submit the preneed funeral contract annual report or postmark the preneed funeral contract annual report by the thirty-first day of March of each year.
- (J) Failure to register an account with the automated reporting and preneed payment system.
- (K) Failure to report any preneed funeral contracts sold or unsold during a quarter to the preneed recovery fund through the automated reporting and preneed payment system.

- (L) Submission of a late quarterly report to the preneed recovery fund through automated reporting and preneed payment system.
- (M) Where a deposit amount is specified at the end of a fiscal year, failure to collect and deposit the specified amount to the preneed recovery fund through the automated reporting and preneed payment system.
- (N) Act as a crematory operator or perform cremation without a permit.
- (O) Failure to complete the minimum hours of education required for a crematory operator permit or the minimum hours of continuing education required for licensure by the board.
- (P) Failure to respond to or comply with an audit request.
- (Q) Falsely attesting attendance and successful completion of a course for oneself or another licensee.
- (R) Failure to comply with requirements regarding a closure, sale or disposition of an existing licensed funeral home, crematory or embalming facility.

Effective:

Five Year Review (FYR) Dates: 5/17/2022

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4717.04, 4717.09, 4717.31  
Rule Amplifies: 4717.14  
Prior Effective Dates: 06/19/1974, 01/01/1984, 01/20/1986, 01/01/2001,  
05/16/2011, 05/24/2018, 01/10/2019