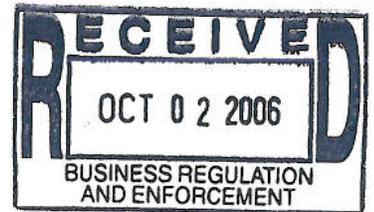


**PROPOSED AMENDMENTS TO
RULES AND REGULATIONS ADOPTED BY
THE MISSISSIPPI STATE BOARD OF FUNERAL SERVICE
ON JUNE 07, 1984
AS AMENDED MARCH 17, 1997**

.100 DEFINITIONS

The terms "Board," "Embalming," "License for funeral establishment," "License for the practice of funeral directing," "License for the practice of funeral service," "Practice of funeral service," "resident trainee," and "solicitation" are as defined in Section 73-11-41 of the Mississippi Code Annotated, 1972.



.200 GENERAL PROVISIONS

- .201** The Chairman, Vice-Chairman, and Secretary-Treasurer shall serve as the Executive Committee and shall act on the Board's behalf subject to the approval of the Board.
- .202** The Chairman of the Board shall preside at all meetings of the Board unless otherwise ordered, and he shall exercise and perform all duties and functions incident to the office of Chairman of the Board.
- .203** The Vice-Chairman shall serve in the absence of the Chairman and shall otherwise aid and assist the Chairman.
- .204** The Treasurer shall give bond to the State of Mississippi in such sum as the Board may direct, and any premium payable for such bond shall be paid from the funds of the Board. Such bond shall be deposited with the State of Mississippi.
- .205** The Secretary of the Board shall be the Executive Officer of the Board and shall be the Board's designee to whom the Administrator of the Board shall be responsible and answerable. The Administrator of the Board shall have complete supervision and be held responsible for the direction of the office of the Board and shall have supervision over filed inspections and enforcement of the provisions of Sections 73-11-41 et. seq. of the Mississippi Code Annotated 1972, and the rules and regulations of the Board and shall be responsible and answerable to the Board. Such responsibilities shall include timely dissemination of information as to the practice of funeral service and funeral directing and where facts on the legal facets can be obtained and who to contact to make inquiry or register a complaint. The Secretary shall keep a record of all meetings of the Board.
- .206** Roberts Rules of Order, Revised, shall be the authority for settlement of disputes of parliamentary procedure.
- .207** The Board shall keep a record in which shall be registered at least the name and address of every person and establishment to whom licenses have been granted in accordance with Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, the number and date of such license, and the date of each renewal thereof.
- 1.** The Board shall supply on request, within fourteen (14) working days, any public records of the Board, including a copy of the Law, Rules, and Regulations then in force, upon a fee as set by the Board.
 - 2.** The Board shall supply on request, within fourteen (14) working days, a list of all persons and funeral establishments licensed by the Board then in force giving the names of such persons or establishments, their address, and the number of their license upon a fee as set by the Board.
 - 3.** A fee, as set by the Board, may be charged for furnishing any records of the Board.
- .208** The Board shall cause to be printed all forms required by Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, and the rules and regulations of the Board. All notices required to be mailed shall be directed to the last known post office address of the party to whom the notice is sent.
- .209** The Board shall, annually, at its first regular meeting of the fiscal year, or as soon

thereafter as practicable, elect officers from the members of the Board, which officers shall serve for one year or until their successors are elected and qualified.

.210 The Board shall adopt a common seal.

.211 Special meetings of the Board may be called by the Chairman at anytime. Special meetings may also be called upon the written request of four (4) members, which request must specify the purpose of the meeting, and the Chairman or Secretary then shall call such a meeting. The Secretary shall cause notice of such special meeting to be given in a time and manner consistent with state law. In addition thereto, the Mississippi Funeral Directors Association and the Mississippi Funeral Directors and Morticians Association shall be notified of the meeting.

.212 The Board shall become a member of the Conference of Funeral Service Examining Boards of the U.S., Inc. and the Board, in its discretion, may request members of the Board to attend the meetings of the said conference at the expense of the Board.

.300 LICENSING AND EXAMINATION-PRACTICE OF FUNERAL SERVICE AND FUNERAL DIRECTING

- .301** When the applicant for license for the practice of funeral directing or funeral service has complied with all requirements of Sections 73-11-51 of the Mississippi Code Annotated, 1972, and all rules and regulations of the Board concerning licensing, he shall be entitled to receive the license for which he is entitled.
- .302** All applications must be submitted to the Board office, on forms furnished by the Board, and accompanied by the appropriate fee, as set by the Board. Applications for examination and licensing must be received by the Board sixty (60) days prior to the date of the examination. Applications for licensing must be received by the Board thirty (30) days prior to the date next scheduled board meeting.
- .303** Examinations shall be held at a time and place as set by the Board on the third (3rd) Thursday of February and August of each year and such other times as the Board may deem necessary and expedient.
- .304** All applicants for a license to practice funeral service and funeral directing shall appear before the Board and be given a written and/or oral examination on subjects generally taught by mortuary schools, colleges, or universities accredited by the American Board of Funeral Service Education (or any other successor recognized by the United States Department of Education) and such other subjects as the Board may deem necessary.
1. The applicant must attain a minimum passing score of seventy-five percent (75%).
 2. The Board may require or accept, in lieu of its own written examination, the taking and passage (75%) of the National Board Examination of the Conference of Funeral Service Examining Boards.
 3. The Board shall be responsible for suggesting a source of study materials for the funeral director applicants based upon the Board's examination for license at the time the applicant officially begins his training period.
- .305** An applicant whose application is accepted, but who shall fail to be present for the state examination, unless such absence is approved by the Board, or one who shall fail the state examination shall only be entitled to the return of the license fee paid. Applicants whose applications for examinations are not accepted by the Board shall be entitled to a return of the examination and license fees accompanying said application.
- .306** No applicant for license, for the practice of funeral directing will be allowed to take the State Board Examination unless they have successfully completed all the requirements as set forth in Section 73-11-51, Sub-Section (3) of the Mississippi Code Annotated 1972. No applicant for the practice of funeral service will be allowed to take the State Board Examination unless they have successfully completed all the requirements as set forth in Section 73-11-51, Sub-section (4) of the Mississippi Code Annotated, 1972, except for resident traineeship.
- The Administrator of the Board may issue a temporary funeral service or funeral directing work permit before a permanent license is granted, prior to the next regular meeting of the Board, if in the Administrator's opinion, the applicant for license has met all

requirements stated above. Before a permanent license may be issued the applicant must meet with the Board at the next regularly scheduled meeting after the issuance of the work permit. The temporary permit shall expire at the next regular meeting of the Board.

- .307 The license for the practice of funeral service and funeral directing shall be signed by the Chairman, Vice-Chairman, and Secretary of the Board and the seal of the Board affixed thereto. No license shall be issued or renewed for a period exceeding two (2) years and all licenses and renewals thereof shall expire and terminate the last day of June every two (2) years after June of 1984, unless sooner revoked and canceled; provided that the date of expiration may be changed by unanimous consent of the Board and upon ninety (90) days written notice of such change to all persons licensed for the practice of funeral service and funeral directing in this state.
- .308 Any holder of a license granted under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, where the granting of such license was based on the holding of a previous license or registration in this state where the previous license did not grant the holder the authority or right to embalm human bodies, the license granted to such person under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, shall not confer on him the right and authority to embalm unless such person has further qualified under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, and the rules and regulations of the Board for the authority and right to embalm.
- .309 All persons holding a license for the practice of funeral service and funeral directing issued by the Board shall have same registered within thirty (30) days in the office of the Circuit Clerk in the county in which he resides.
- .310 All persons holding a license issued by the Board shall display same in a conspicuous place in the licensed establishment where he is employed.
- .311 All persons holding a license for the practice of funeral service and funeral directing issued by the Board shall be issued a pocket certificate designating the type of license held and other such information as the Board deems necessary. The pocket certificate shall be carried on the person of the above mentioned licensee at all times he is performing the practice of funeral service or funeral directing in this state.
- .312 In cases where an original license issued by the board has been lost or destroyed, the Board may issue a duplicate license, provided the licensee furnishes an affidavit stating how the original license was lost or destroyed. Said affidavit shall be accompanied by a fee set by the board.
- .313 It is the responsibility of every licensee to provide the Board with notification of a changed address.

.400 FUNERAL ESTABLISHMENT

.401 All applications for a funeral establishment license must be submitted to the Board office, on forms furnished by the Board, and accompanied by the appropriate fee, as set by the Board. Such application must be sworn to by owner and the funeral service and/or funeral directing licensee in charge of such establishment.

.402 Each funeral establishment shall be subject to inspection and shall comply with the following requirements:

1. Each establishment shall have proper quarters devoted to such activities incident or related to the preparation and arrangement for the burial, or other disposition, of dead human bodies from which rites and ceremonies may be conducted.
2. Each establishment shall have a selection room located on the property of the main establishment for persons to view available funeral merchandise or supplies. The room must contain a minimum of six (6) adult caskets or a minimum of twenty-four (24) different cut casket panels. Such casket panel units shall display the details of the actual casket and shall include the contours, materials, finish and the hardware of the exterior, and the colors and fabrics of the interior. It is hereby expressed that pictures, slides catalogues, or any other type of photographic or holographic display methods are not considered as display units under the provision of this regulation.
3. The preparation or embalming room shall meet the following requirements:
 - A. Floors of tile, cement, linoleum, or like composition.
 - B. Walls shall be finished tile, or other material finished with enamel, enamel paint, or other waterproof material.
 - C. A sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with sewer or other proper receptacle with suitable sanitary plumbing.
 - D. Only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the room.
 - C. The room shall be properly ventilated and comply in respect to ventilation with federal, state, and local laws or ordinances and regulations.
 - D. It shall be maintained in a clean and sanitary condition at all times. All instruments and other appliances used in embalming dead human bodies shall be thoroughly cleansed.
 - E. A source of hot and cold running water.
 - F. Each funeral establishment must have available during regular office hours a written report, which must contain at least:
 - i. The name of each body embalmed, the date and time that the embalming took place, the name and signature of the embalmer and his funeral service license number must be noted in said written record.
 - ii. If the body was embalmed at another establishment, only the name and location of that funeral establishment shall be noted.
 - iii. If the embalmer is assisted by a resident trainee, his name, signature, and trainee number shall also be noted.
4. The funeral establishment must be under the general management and supervision

of a full-time person licensed for the practice of funeral service or funeral directing.

5. That all embalming performed therein must be performed by a person licensed for the practice of funeral service or by a funeral service resident trainee under the direct supervision of a person licensed for the practice of funeral service.
6. That the making of arrangements to provide for funeral services, financial or otherwise, and/or the selling of funeral merchandise must be conducted by a person licensed for the practice of funeral service or funeral directing and that the conducting of such funeral services, including graveside, must be made under the direction and supervision of a person licensed for the practice of funeral service or funeral directing.
7. All branch establishments shall have a funeral establishment license issued by the Board. All branch establishments, except as herein provided, shall have personnel and facilities as required by this rule for funeral establishments. EXCEPTION: The following branch establishments shall be exempt from the above requirements: Any establishment if it is within seventy (70) miles of the main establishment and can be practically served by the licensed personnel of the main establishment.
8. A commercial mortuary service shall meet the requirements of a licensed funeral establishment as provided under the laws of the State of Mississippi and the rules and regulations of the Board; except a commercial mortuary service is exempted from Subsections 1 and 2 of Section .404 of the rules and regulations of the Board.

.405 A special funeral establishment work permit may be issued by the Board until the next meeting of the Board or for a period of not more than ninety (90) days, upon written notice of the owner of such establishment to the Board within fourteen (14) days if:

1. The person shown on the funeral establishment license application licensed for the practice of funeral service or funeral directing in charge full time should die or become physically incapacitated and he were the only full time licensed funeral service or funeral directing employee of that establishment;
2. A funeral establishment, holding a valid funeral establishment license, has been rendered inoperable or uninhabitable by a catastrophe and it becomes necessary for the funeral establishment to operate at a temporary location; or
3. The ownership of a funeral establishment holding a valid funeral establishment license changes, or when a corporation owning a funeral establishment has a transfer of stock which directly affects management or control of the funeral establishment holding a valid funeral establishment license.

The issuing of the special funeral establishment work permit by the Board does not exempt the licensed funeral establishment from fulfilling all the requirements as set forth in Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or the rules and regulations of the Board concerning licensing requirements of funeral establishments.

.500 RESIDENT TRAINEE

- .501** All applications for resident traineeship must be submitted to the Board office, on forms furnished by the Board, accompanied by a non-refundable application fee, as set by the Board, and sustained by the oath of the applicant, the licensee under whom the applicant is serving, and the owner of the licensed establishment in which the applicant is serving.
- .502** When a resident trainee wishes to begin his training with a person licensed for the practice of funeral service or funeral directing, as the case may be, he must submit an application as required by the Board to the Board office. After permission is granted by the Board and at any time thereafter such trainee leaves the preceptorship of the licensee whose service has been entered, both the preceptor and the trainee must notify the Board office, within thirty (30) days, in writing. If such resident trainee shall thereafter seek permission to continue his training in this State, another application shall be submitted to the Board office. The above mentioned application must be sustained by the oath of the applicant, the licensee under which the applicant is serving, and the owner of the licensed establishment in which the applicant is serving his resident traineeship.
- .503** A resident traineeship certificate shall be renewable upon payment of the renewal fee as set by Board on the first (1st) day of January of each year, provided, however, that such funeral service resident trainee certificate may not be renewed for more than thirty-six (36) consecutive months and that such funeral directing resident trainee certificate may not be renewed for more than seventy-two (72) consecutive months. The Board shall mail to each registered resident trainee in good standing at his last known address, a notice that the renewal fee is due and that if not paid by the first (1st) day of February, the penalty for the lapse in renewal will be an amount set by the Board, in addition to said renewal; provided, that the registration of any resident trainee who is actively engaged in the military service of the United States or is duly enrolled full time in a school of funeral service may, at the discretion of the Board, be held in abeyance for the duration of such service or training and such person may be relieved of such renewal fees and penalties as the Board may deem justifiable and expedient.
- .504** All resident trainees registered as provided herein shall be required to report to the Board quarterly upon forms provided by the Board, showing the required work which has been completed during the past three (3) months. The data contained in said report shall be certified as to accuracy by the person licensed for the practice of funeral service or funeral directing under whom the trainee has served during such period, the owner of the licensed funeral establishment, and the trainee.
- .505** Before a resident trainee shall be eligible to receive a license for the practice of funeral service, evidence must be provided on the Quarterly Reports received by the Board office that he has assisted in the embalming of at least twenty-five (25) bodies, and he has assisted in the arranging and conducting of at least twenty-five (25) funerals during resident traineeship. Before a resident trainee shall be eligible to receive a license for the practice of funeral directing, evidence must be provided on the Quarterly Reports

received by the Board office that he has assisted in the arranging and conducting of at least twenty-five (25) funerals during resident traineeship. In all applications of resident trainees for licenses for the practice of funeral service or funeral directing under Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, the eligibility of the applicant shall be determined by the records filed with the Board. Quarterly reports shall be filed with the Board office within fifteen (15) days of the end of each quarterly reporting period. Experience recorded on quarterly reports filed after the fifteenth (15) day will not be counted toward the traineeship.

- .506** The Board may, in its discretion, allow a resident trainee credit under a registration for the time actually served under a previous registration in this state; provided, that if that the previous registration has been suspended or revoked for cause, not more than seventy-five percent (75%) of the time previously served shall be credited on the registration.
- .507** No credit shall be allowed for resident traineeship unless that traineeship is served in this State in an establishment licensed by the Board. An applicant registered as a resident trainee must be a resident of this State, engaged full-time at a licensed funeral establishment in this State, or be enrolled as a mortuary science student in a school, college, or university in this State accredited by the American Board of Funeral Service Education or any successor recognized by the United States Department of Education for funeral service education. The twelve (12) month funeral service resident traineeship must be full-time (40 hours per week) engagement to be served during regular office hours (8 A.M. to 10 P.M.) for forty-nine (49) weeks. The twenty-four (24) months funeral directing resident traineeship must be full-time (40 hours per week) engagement to be served during regular office hours (8 A.M. to 10 P.M.), for ninety-eight (98) weeks. Hours worked each day by the resident trainee during his resident trainee period must be certified as to accuracy by the resident trainee, the person licensed for the practice of funeral service or funeral directing under whom the trainee has served during such hours, and by the owner or officer of the corporation of the licensed funeral establishment.
- .508** Every person licensed by the Board and every resident trainee shall furnish all information required by the Board reasonably relevant to the practice of the profession for which he is a licensee or resident trainee including a current address.
- .509** A resident trainee training to become a funeral director shall serve under either a funeral directing or funeral service licensee. A resident trainee training to become a funeral service licensee shall serve under a funeral service licensee, except, if a funeral establishment does not have a full-time funeral service licensee, said traineeship may be served under a full-time funeral directing licensee and a funeral service licensee employed as a trade embalmer. Otherwise, training may be received only under one licensee at a time.
- .510** A resident trainee pocket certificate shall be issued by the Board and must be carried on the person of the resident trainee at all times he is service their traineeship. It shall contain such information as the Board deems necessary.
- .511** Duly certified resident trainees in training for funeral service and funeral directing, while participating in learning experiences and while supervised by a person licensed by the Board as a funeral service or funeral directing licensee, respectively, may engage in the practice of funeral service or funeral directing, respectively. When such a person so licensed by the Board is not on the premises where the activities of the resident trainee are

taking place, the resident trainee shall not be deemed to be supervised as required by these rules and regulations.

.600 RECIPROCITY (OUT-OF-STATE LICENSES)

- .601** All applications for reciprocal licenses must be submitted to the Board office sixty (60) days prior to the next scheduled meeting of the Board, must be made on forms furnished by the Board, and must be accompanied by a fee as set by the Board.
- .602** The applicant must satisfy the Board that he has held his license in the state from which he wishes to reciprocate, that the license is in full force and effect in that state, and the Board has determined that the applicant has met licensing qualifications at least substantially similar to the requirements of Section 73-11-51, Mississippi Code Annotated, 1972, and all rules and regulations of the Board, including attaining a score of 75% on the National Examination or other such examination consistent with the examination required pursuant to rule .304 of the rules and regulations of the Board. The applicant must also personally appear before the Board.
- .603** No reciprocal license shall be issued on a reciprocal license.
- .604** The acceptance of the application as a basis for granting of a reciprocal license is within the sound discretion of the Board.
- .605** The Administrator may issue a temporary funeral service or funeral directing work permit before a license is granted, prior to the next regular meeting of the Board, if in the Administrator's opinion, the applicant for reciprocal license has met all requirements stated above. Before a permanent license may be issued the applicant must meet with the Board at the next regularly scheduled meeting after the issuance of the work permit. Failure to meet the Board shall deem the application for reciprocity as abandoned. The temporary permit shall expire at the next regular meeting of the Board.
- .606** The Board may enter into written reciprocity agreements with other state boards of a similar nature with the advice and of the Attorney General's Office of the State of Mississippi. The Board will reciprocate with other states on the same basis that each state will reciprocate with Mississippi.

.700 REFUSAL TO EXAMINE. GRANT, OR RENEW LICENSES; REVOCATION OR SUSPENSION; GROUNDS; HEARINGS

.701 The Board may refuse to examine, or issue or renew, or reprimand, or may suspend or revoke, any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding the holder of such to be guilty of acts of commission including the following:

1. A license has been issued through error to any person or establishment.
2. Making a false statement or representation regarding the qualification, training, or experience of any application for training, examination, and licensing.
3. Gross or willful malpractice of the science of embalming or funeral directing, including but not limited to detaining a dead human body for payment for unauthorized services.
4. Knowingly and willfully making a false statement to the Board.
5. Knowingly, willfully, fraudulently, and/or falsely signing a death certificate as having embalmer or prepared a body when in fact someone else did it or signing the name and license number of an embalmer who did not embalm the body.
6. Solicitation of dead human bodies for the purpose of having the body turned over to a particular establishment, or coercing or discouraging the removal of a dead human body from one establishment to another by detaining a dead human body for a fee in the absence of an agreement authorizing services to be rendered said agreement having been executed by a person with legal authority to do so. Each funeral establishment shall keep a record of the name, address and relationship to the deceased of each person authorizing services and the date of said authorization.
7. When an owner, partner, or officer of the funeral establishment violates any provision of Sections 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or any rule or regulation of the Board, or when an agent or employee of the funeral establishment, with the consent of any person, firm, or corporation operating the funeral establishment, violates any of those provisions, rules, or regulations.

.702 It shall be the duty of the Board or its designee to investigate or prefer charges, or both, upon finding of cause, against any licensee who is accused of violating any law, rule, or regulation of the State Board of Funeral Service or is accused of gross or willful malpractice of the practice of funeral service or funeral directing, or the science of embalming. Upon initiation of such investigation written certified notice shall be given to the licensee of the alleged violation(s):

1. Whenever the Board shall have cause to believe that any person to whom a license has been issued has become unfit to practice as a funeral service or funeral directing licensee, or has violated any of the provisions of Section 73-11-41 et.

seq. of the Mississippi Code Annotated, 1972, or any rule or regulation of the Board, or whenever written complaint, on forms furnished by the Board, charging the holder of a license with the violation of any provision of Section 73-11-41 et. seq. of the Mississippi Code Annotated, 1972, or any rule or regulation prescribed, is filed with the Board, it shall be the duty of the Board to conduct an investigation within thirty (30) days of the receipt of the complaint. Upon receipt of notification to a formal complaint the licensee must make a written response to the complaint within twenty (20) days from receipt there of. Failure to respond to the complaint shall be deemed as admission of the allegations contained there in.

2. If from such investigation it shall appear to the Board that there is cause to suspect that the alleged violations have been committed, the licensee shall be notified by the certified mail of the alleged facts and violations and that these allegations could lead to suspension or revocation of his license. The Board may, after notice and hearing and upon satisfactory proof that the applicant or licensee is guilty of the violations enumerated in the notice the Board shall take such action as is deemed appropriate by the Board. In addition to any penalty levied by the Board the respondent shall be assessed with the costs of the hearing, including the cost of service of process, court reporters, expert witnesses and investigators. If the licensee acknowledges the alleged violations in writing, then no hearing shall be required and the Board shall take such action as it deems appropriate. Any member of the Board shall have the right to administer oaths to witnesses.
3. If the agency 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 a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.
4. Appeals of the decisions of the Board shall be perfected in a manner consistent with Section 73-11-57 of the Mississippi Code of 197, amended. The expenses of the appeal shall be borne by the appealing party.
5. Appeals of the decisions of the Board shall be made according to Section 73-11-57 of the Mississippi Code Annotated, 1972.

.800 PRICING

.801 At the time funeral arrangements are made and prior to the time of rendering the service and providing the merchandise, a funeral director or funeral service licensee shall give or cause to be given to the person or persons who authorizes the services and is responsible for payment of the expenses therefor, an itemized written statement, in a manner and in a form in compliance with Federal Trade Commission Funeral Industry Practices Rule, 16 C.F.R. Part 45. A copy of such written statement shall be kept by the funeral establishment for a period of three (3) years.