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# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

|                                 |  |
|---------------------------------|--|
| <b>Agency/Board/Commission:</b> | Tennessee Board of Funeral Directors and Embalmers |
| <b>Division:</b>                | Regulatory Boards                                  |
| <b>Contact Person:</b>          | Cherelle Hooper, Assistant General Counsel         |
| <b>Address:</b>                 | 500 James Robertson Parkway, Nashville, TN 37243   |
| <b>Phone:</b>                   | 615-741-3072                                       |
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

|                     |   |
|---------------------|---|
| <b>ADA Contact:</b> | Don Coleman                                     |
| <b>Address:</b>     | 500 James Robertson Parkway Nashville, TN 37243 |
| <b>Phone:</b>       | 615-741-6500                                    |
| <b>Email:</b>       | Don.coleman@tn.gov                              |

**Hearing Location(s)** (for additional locations, copy and paste table)

|                |                               |  |                                   |
|----------------|-------------------------------|--|-----------------------------------|
| Address 1:     | 500 James Robertson Parkway   |  |                                   |
| Address 2:     | Davy Crockett Tower, Room 1-B |  |                                   |
| City:          | Nashville                     |  |                                   |
| Zip:           | 37243                         |  |                                   |
| Hearing Date : | 10/09/18                      |  |                                   |
| Hearing Time:  | 10:00 A.M.                    | <input checked="" type="checkbox"/> _x_CST/CDT | <input type="checkbox"/> _EST/EDT |

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

| Chapter Number | Chapter Title      |
|----------------|--------------------|
| 0660-01        | General Provisions |
| Rule Number    | Rule Title         |
| 0660-01-.03    | Changes            |

|                       |                        |
|-----------------------|------------------------|
| <b>Chapter Number</b> | <b>Chapter Title</b>   |
| 0660-02               | Examinations           |
| <b>Rule Number</b>    | <b>Rule Title</b>      |
| 0660-02-.01           | Examination Procedures |
| 0660-02-.02           | Grading Procedures     |

|                       |                                     |
|-----------------------|-------------------------------------|
| <b>Chapter Number</b> | <b>Chapter Title</b>                |
| 0660-03               | Fees                                |
| <b>Rule Number</b>    | <b>Rule Title</b>                   |
| 0660-03-.01           | Student and Apprentice Registration |
| 0660-03-.03           | Licenses                            |
| 0660-03-.12           | Document Review                     |

|                       |                      |
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| <b>Chapter Number</b> | <b>Chapter Title</b> |
| 0660-04               | Apprentices          |
| <b>Rule Number</b>    | <b>Rule Title</b>    |
| 0660-04-.01           | Registration         |

|                       |                                 |
|-----------------------|---------------------------------|
| <b>Chapter Number</b> | <b>Chapter Title</b>            |
| 0660-05               | Funeral Directors and Embalmers |
| <b>Rule Number</b>    | <b>Rule Title</b>               |
| 0660-05-.01           | Application                     |

|                       |                         |
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| <b>Chapter Number</b> | <b>Chapter Title</b>    |
| 0660-06               | Funeral Establishments  |
| <b>Rule Number</b>    | <b>Rule Title</b>       |
| 0660-06-.01           | Application             |
| 0660-06-.02           | Fixed Place of Business |
| 0660-06-.04           | Inspection Required     |

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| <b>Chapter Number</b> | <b>Chapter Title</b>         |
| 0660-09               | Requirements for a Crematory |
| <b>Rule Number</b>    | <b>Rule Title</b>            |
| 0660-09-.01           | Requirements for a Crematory |

|                       |  |
|-----------------------|--|
| <b>Chapter Number</b> | <b>Chapter Title</b>                     |
| 0660-10               | Continuing Education                     |
| <b>Rule Number</b>    | <b>Rule Title</b>                        |
| 0660-10-.03           | Continuing Education Requirements        |
| 0660-10-.04           | Qualifying Continuing Education Programs |
| 0660-10-.05           | Duties of Program Sponsors               |

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| <b>Chapter Number</b> | <b>Chapter Title</b>              |
| 0660-11               | Standards of Service and Practice |
| <b>Rule Number</b>    | <b>Rule Title</b>                 |
| 0660-11-.02           | Preparation Rooms                 |
| 0660-11-.05           | Professional Conduct              |
| 0660-11-.07           | Records                           |

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| <b>Chapter Number</b> | <b>Chapter Title</b> |
| 0660-12               | Removal Service      |
| <b>Rule Number</b>    | <b>Rule Title</b>    |
| 0660-12-.01           | Removal Service      |

Chapter 0660-01  
General Provisions  
Amendments

Rule 0660-01-.03 Changes is amended by deleting paragraph (1) in its entirety and substituting, instead, the following:

- (1) In addition to any other requirement of the Board's rules or any statute pertaining to the profession of funeral directing or embalming, the following shall be reported in writing to the Board by the licensee within ten (10) days of the effective date of the change:
  - (a) change in ownership of a funeral establishment;
  - (b) change of location of a funeral establishment;
  - (c) permanent closure of a funeral establishment;
  - (d) change in the identity of the licensed funeral director managing, supervising, and responsible for a funeral establishment;
  - (e) change in mailing address of any funeral director, embalmer, or apprentice;
  - (f) change in the identity of the individual sponsoring an apprentice;
  - (g) change in the licensed funeral establishment employing an apprentice;
  - (h) change in any other information required to be submitted on an application or registration form; and
  - (i) a conviction of a misdemeanor involving fraud, dishonesty, or moral turpitude or a conviction of any felony.

Authority: T.C.A. §§ 62-5-203, 62-5-312, 62-5-315, and 62-5-317.

Chapter 0660-02  
Examinations  
Amendments

Rule 0660-02-.01 Examination Procedures is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) Tennessee State Board Exam (SBE).
  - (a) Examinations shall be given by a testing agency approved by the Board for the purpose of determining the applicant's knowledge and fitness for the practice of funeral directing or embalming.
  - (b) All examinations shall be fairly and equitably administered by an approved testing agency. No assistance shall be provided to any examinee unless otherwise authorized by law.
- (2) National Board Exam (NBE).
  - (a) In lieu of a funeral-director examination given by a testing agency approved by the Board, the Board will accept the results of examinations (or parts thereof) covering Funeral Service Arts devised by the International Conference of Funeral Service Examining Boards or other approved testing agency.
  - (b) In lieu of an embalmer examination given by a testing agency approved by the Board, the Board will accept the results of examinations (or parts thereof) covering Funeral Service Sciences devised by the International Conference of Funeral Service Examining Boards

or other approved testing agency.

- (3) All applicants shall successfully pass, prior to the issuance of a license, either the Tennessee State Board Exam (SBE) or National Board Exam (NBE). All applicants shall also pass, prior to the issuance of a license, the Laws, Rules, and Regulations Examination (LRR), given by a testing agency approved by the Board. There shall be a minimum thirty (30) day waiting period between unsuccessful exam attempts for each examination.
- (4) Examination results for the Laws, Rules, and Regulations Examination (LRR) shall only be valid for one (1) year. The requirements for licensure cannot be satisfied unless the completed application and all required supporting documents for licensure are filed with the Board within one (1) year following the date of successful completion of the LRR.

Authority: T.C.A. §§ 62-5-203, 62-5-301, and 62-5-306.

Rule 0660-02-.02 Grading Procedures is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) Examinations shall be graded by the testing agency that administered them. Such agency shall send the examination grades directly to the Executive Director of the Board in a format prescribed by the Board.
- (2) The passing grade for the funeral director examination, embalmer examination, and Laws, Rules, and Regulations Examination (LRR) shall be no less than seventy-five (75.0) for each examination.
- (3) Any examinee who disputes the results of any examination shall be wholly responsible for resolving the dispute directly with the testing agency and any additional costs incurred as a result of the dispute.

Authority: T.C.A. §§ 62-5-203 and 62-5-301.

Chapter 0660-03  
Fees  
Amendments

Rule 0660-03-.01 Student and Apprentice Registration is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) Student. The non-refundable fee for registration as a student shall be fifty dollars (\$50.00). Any student dually enrolled in a funeral directing and embalming program shall only be required to pay one (1) registration fee in the amount of fifty dollars (\$50.00).
- (2) Apprentice funeral director. The non-refundable fee for registration as an apprentice funeral director shall be fifty dollars (\$50.00).
- (3) Apprentice embalmer. The non-refundable fee for registration as an apprentice embalmer shall be fifty dollars (\$50.00).

Authority: T.C.A. §§ 62-5-203, 62-5-207, 62-5-305, and 62-5-307.

Rule 0660-03-.03 Licenses is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) Funeral Director. The fee for a funeral director's license shall be two hundred thirty-five dollars (\$235.00).
- (2) Embalmer. The fee for an embalmer's license shall be two hundred thirty-five dollars (\$235.00).

Authority: T.C.A. §§ 62-5-203, 62-5-207, 62-5-306, and 62-5-308.

Chapter 0660-03  
Fees  
New Rules

Table of Contents Chapter 0660-03 Fees is amended by adding a new rule, Rule 0660-03-.12, entitled "Document Review" so that, as amended, the Table of Contents shall read:

Table of Contents

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| 0660-03-.01 Student and Apprentice Registration | 0660-03-.07 Reinspections        |
| 0660-03-.02 Applicants for Licenses             | 0660-03-.08 Change of Ownership  |
| 0660-03-.03 Licenses                            | 0660-03-.09 Change of Location   |
| 0660-03-.04 Renewals                            | 0660-03-.10 Database Update      |
| 0660-03-.05 Reciprocal Licenses                 | 0660-03-.11 Removal Service Fees |
| 0660-03-.06 License Certificates                | 0660-03-.12 Document Review      |

Chapter 0660-03 Fees is amended by adding the following new appropriately numbered rule as Rule 0660-03-.12 Document Review, which shall read:

The submission fee for any cremation authorization form not furnished by the Board shall be one hundred dollars (\$100.00). Such forms submitted for review shall include two versions: a final version of the document and a version which shall include footnotes or endnotes that identify those provisions that are required by law and cite the applicable statute and/or rule. An additional one hundred dollar (\$100.00) fee shall be assessed for each resubmission of the form due to non-conformance with the applicable laws and rules.

Authority: T.C.A. §§ 62-5-107, 62-5-203, and 62-5-207.

Chapter 0660-04  
Apprentices  
Amendments

Rule 0660-04-.01 Registration is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) A person beginning a required course of study or a required apprenticeship shall submit to the Board, in the format required by the Board, a completed registration form and payment of the registration fee as set forth in Chapter 0660-03 of these rules along with the following documentation:
  - (a) A copy of an official photo identification issued by a governmental agency, such as a valid (permanent, current, unexpired, and legible) driver's license, U.S. passport, or federal, state, county, or city employee I.D. card showing the individual's date of birth and address; and
  - (b) An official transcript or diploma certified by an educational institution showing the applicant has graduated from a high school or has earned a GED recognized by a state department of education.
- (2) A person shall not re-register for an apprenticeship if the person previously completed an apprenticeship or less than twelve (12) months have passed since substantial completion (over 51%) of an apprenticeship. Upon a showing of good cause, the waiting period of twelve (12) months may be waived by the Board.
- (3) An application for apprenticeship registration shall be fully completed by a registrant within ninety (90) days of the receipt of the application in the Board's office. After ninety (90) days have passed, any incomplete registration application shall be closed.

Authority: T.C.A. §§ 62-5-203 and 62-5-312.

Chapter 0660-05  
Funeral Directors And Embalmers  
Amendments

Rule 0660-05-.01 Application is amended by adding the following as newly designated paragraph (3):

- (3) An application for licensure as a funeral director or embalmer shall be fully completed by the applicant within ninety (90) days of the Board's receipt of the application. After ninety (90) days have passed, any incomplete licensure application shall be closed.

Authority: T.C.A. §§ 62-5-203, 62-5-305, 62-5-306, 62-5-307, 62-5-308, and 62-5-312.

Chapter 0660-06  
Funeral Establishments  
Amendments

Rule 0660-06-.01 Application is amended by adding the following as newly designated paragraph (2):

- (2) An application for an establishment license shall be fully completed by applicant within ninety (90) days. After ninety (90) days have passed, any incomplete licensure application shall be closed.

Authority: T.C.A. §§ 62-5-203 and 62-5-304.

Rule 0660-06-.02 Fixed Place of Business is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) An establishment shall not be operated, and no establishment license shall be granted or renewed, unless the applicant has a fixed place of business or establishment that is devoted to the care and preparation of dead human bodies.
- (2) The Board, in determining whether an applicant's proposed fixed place of business or establishment is devoted to the care and preparation of dead human bodies, may consider factors including, but not limited to, the following:
  - (a) Any indication in the proposed establishment's name that suggests the establishment will be engaged in any activity other than the care and preparation of dead human bodies;
  - (b) Any evidence at the proposed place of business that suggests activity other than that incidental to the care and preparation of dead human bodies;
  - (c) The type of professional signage displayed in connection with any goods or services provided within the establishment;
  - (d) If the establishment is located within a business complex, whether the establishment is clearly separated from any other entity located within the complex and clearly distinguished by professional signage;
  - (e) The volume of preparation services or commemorative services provided for non-human remains; and
  - (f) The type and/or volume of advertising materials that offer preparation services or commemorative services for non-human remains.

Authority: T.C.A. §§ 62-5-203, 62-5-313, and 62-5-317.

Rule 0660-06-.04 Inspection Required is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) The Board, in addition to routine annual inspections, shall require an inspection of an establishment prior to approving an application for the following:

- (a) A change of ownership;
  - (b) A change of location;
  - (c) An initial establishment license.
- (2) The Board shall require a reinspection of an establishment prior to the establishment offering services involving the preparation of non-human remains.

Authority: T.C.A. §§ 62-5-203 and 62-5-315(c).

Chapter 0660-09  
Requirements For A Crematory  
Amendments

Rule 0660-09-.01 Requirements for a Crematory is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) No person, partnership, firm, association, or corporation shall conduct, maintain, manage, or operate a crematory facility unless a license as a funeral establishment for such facility has been issued by the Board.
- (2) Application for licensure of crematory facility shall be on a form furnished and prescribed by the Board and shall be accompanied by an application fee set by the Board. No license shall be issued unless the crematory facility has been inspected and approved as meeting all requirements as set forth by the Board, the Department of Health, Department of Environment regulation, or any local ordinance regulating the same.
- (3) In the event the urn or other container is insufficient to accommodate all of the cremated remains, the excess will be placed by the crematory operator in a secondary container. This secondary container shall be kept with the urn or other container and handled according to the final disposition instructions set forth by the Authorizing Agent(s).
- (4) No more than one cremated remains may be placed in any container, unless written permission has been received from the personal representative responsible for the remains.
- (5) Cremated remains may not be commingled for storage or disposition. Each individual cremated remains must be kept separate and properly identified on the container, unless otherwise authorized by personal representatives.
- (6) The entire cremated remains shall be returned to the family and/or responsible party.
- (7)
  - (a) All cremations of human remains in this state shall be arranged through the holder of a valid and current funeral-establishment license issued by the Board;
  - (b) All cremations of human remains in this state shall be directly supervised by a licensed funeral director during the cremation process, including, but not limited to, the placement of remains in cremation chamber, repositioning of remains, removal of cremated remains from chamber, processing of cremated remains, and placement of cremated remains in an urn or other container.
- (8) Each crematory shall submit its cremation authorization form to the Board for approval, prior to using said form. Every funeral establishment shall use the cremation authorization form approved by the Board and provided by the crematory where the human remains are to be cremated.
- (9) Acceptance of a license issued by the Board gives a Board representative the right to inspect the crematory and the records of the crematory at any time.
- (10) At no time shall any cremation chamber, retort, refrigerator, urn, container, tool, or implement be used to prepare or store both dead human bodies and dead non-human bodies. Each cremation

chamber, refrigerator, urn, container, tool, or implement shall be utilized exclusively for either dead human bodies or dead non-human bodies.

- (11) At no time shall any cremation chamber or retort designed or manufactured for cremation of dead human bodies be utilized for any other purpose.
- (12) All cremation chambers, retorts, refrigerators, and containers shall be labeled to designate usage for the preparation or storage of either dead human bodies or dead non-human bodies if the establishment offers such services for dead non-human bodies.
- (13) Any funeral director, embalmer, or crematory operator who obtains specific instructions or authorization, as required in T.C.A. § 62-5-507(f), to remove any prosthetic devices, pacemakers, implants, metal hinges, latches, nails, screws, staples, plates, or any other artificial device or structure from a dead human body prior to the cremation or from the cremated remains after cremation shall dispose of the prosthetic devices, pacemakers, implants, metal hinges, latches, nails, screws, staples, plates, or other artificial devices or structures in a lawful non-recoverable manner, so that only human bone fragments remain. While the funeral director, embalmer, or crematory operator may receive compensation from a recycling company for retrieving these materials and shipping them to the recycling company, the funeral director, embalmer, or crematory operator shall not receive a fee for doing so that exceeds the actual cost to the crematory facility for performing or assisting in the removal and shipping costs of those materials.

Authority: T.C.A. §§ 62-5-101, 62-5-303, 62-5-304, 62-5-309, 62-5-313, 62-5-507, and 62-5-508.

Chapter 0660-10  
Continuing Education  
Amendments

Rule 0660-10-.03 Continuing Education Requirements is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) As a prerequisite to license renewal, each licensee shall submit with the license renewal application satisfactory proof of having completed a minimum of ten (10) hours of continuing education coursework during the licensing period. Of the ten (10) hours of continuing education coursework, five (5) hours must be attended in person, which means it shall be completed in the physical presence of the provider of the coursework or through an interactive virtual program that requires participants to confirm their presence during the program. All coursework must be approved by the Board for credit to be awarded. A licensee may receive one (1) hour of continuing education credit per renewal period for in-person attendance of a regularly scheduled meeting of the Board.
- (2) Continuing education credit may be obtained by licensees through attendance at only those continuing education courses which have been approved by the Board. A licensee may not repeat the same continuing education course within consecutive renewal periods.
- (3) Licensees may not carry over continuing education hours from one licensing period to the next.
- (4) Except as provided in subsection (5), the requirements of this chapter do not apply to new licensees during the first licensing period.
- (5) A person required to reapply as for initial licensure by T.C.A. § 62-5-316(b), shall as a prerequisite to issuance of a new license, submit with the application satisfactory proof of having completed a minimum of ten (10) hours of continuing education coursework within ninety (90) days of the date of application. Of the ten (10) hours of continuing education coursework, five (5) hours must be attended in person, which means it shall be completed in the physical presence of the provider of the coursework or through an interactive virtual program that requires participants to confirm their presence during the program.

Authority: T.C.A. §§ 62-5-203 and 62-5-601.



Rule 0660-10-.04 Qualifying Continuing Education Programs is amended by deleting the phrase "(1 credit hour = 50 minutes)" wherever it appears in subparagraph (2)(c) so that, as amended, subparagraph (2)(c) shall read:

- (2)
- (c) The program is at least one (1) hour in length;

Authority: T.C.A. §§ 62-5-203, 62-5-603, 62-5-604, 62-5-605, and 62-5-606.

Rule 0660-10-.04 Qualifying Continuing Education Programs is amended by adding the following as a new, appropriately designated paragraph:

- (9) A program shall be deemed an interactive virtual program that requires participants to confirm their attendance during the program if it meets at least one (1) of the following qualifications:
- (a) A real-time, streamed presentation that permits the submission of questions, facilitates group chat, or solicits responses from licensees through surveys, multiple-choice questions, or similar means;
- (b) Requires a unique login and disables the ability to skip through content; or
- (c) Monitors licensees' participation and includes a testing component that requires a passing grade in order to complete the program.

Authority: T.C.A. §§ 62-5-203, 62-5-601, 62-5-603, 62-5-604, 62-5-605, and 62-5-606.

Rule 0660-10-.05 Duties of Program Sponsors is amended by deleting paragraph (1) in its entirety and substituting, instead, the following:

- (1) The sponsor shall keep detailed records of each continuing education program. The records to be maintained shall include:
- (a) The date and location of the program presented;
- (b) The name and qualifications of each instructor or presenter;
- (c) A registration form showing the printed names, signatures, and license numbers for all licensees in attendance;
- (d) A written outline of the program agenda; and
- (e) A statement indicating whether the program qualifies as an interactive virtual program that requires participants to confirm their attendance during the program and, if so, the specific qualifications met as identified within Rule 0660-10-.04(9).

Authority: T.C.A. §§ 62-5-203, 62-5-601, 62-5-605, 62-5-609, and 62-5-611.

Chapter 0660-11  
Standards of Service and Practice  
Amendments

Rule 0660-11-.02 Preparation Rooms is amended by deleting the text of paragraph (6) and substituting instead the following language so that, as amended, paragraphs (6)-(8) shall read:

- (6) Each preparation room shall be dedicated exclusively to the preparation of either dead human bodies or dead non-human bodies and signage shall be posted on or immediately adjacent to the entry door of the respective preparation room indicating the designated purpose.
- (7) At no time shall any refrigerator, container, tool, or implement be used to prepare, hold or store both dead human bodies and dead non-human bodies. Each refrigerator, container, tool, or implement shall be utilized exclusively for either dead human bodies or dead non-human bodies.

- (8) All refrigerators and containers shall be labeled to designate usage for the preparation or storage of either dead human bodies or dead non-human bodies if the establishment offers services for dead non-human bodies.

Authority: T.C.A. §§ 62-5-203, 62-5-313, and 62-5-317.

Rule 0660-11-.05 Professional Conduct is amended by deleting the text of the rule in its entirety and substituting, instead, the following:

- (1) All persons engaged in the profession of funeral directing, embalming or operation of a funeral establishment shall at all times act in a professional manner including, but not limited to, the following:
- (a) Members of the public shall be treated in a reasonable manner. Unreasonable treatment is conduct that falls below the standard of professional conduct including, but not limited to:
    - 1. Abusive, aggressive, hostile, or disrespectful conduct; or
    - 2. Being unresponsive to a member of the public for an unreasonable period of time without justification, such as: not returning phone calls, not answering inquiries, or leaving a member of the public unattended.
  - (b) Establishments shall honor financial obligations to suppliers, distributors or other persons with whom they conduct business in a timely manner.
  - (c) If a particular funeral establishment has custody of a decedent's remains, but is not selected by a person(s) with a vested right under T.C.A. § 62-5-703 to control the disposition of the remains, the funeral establishment must release the remains to the establishment that is properly selected, regardless of whether the costs of any merchandise or service provided by the initial funeral establishment are paid at the time of release. Such costs shall remain payable by the selected funeral establishment; failure to pay upon lawful demand may result in disciplinary action imposed by the Board. Nothing herein shall be construed to affect the civil liability of the responsible party or other persons under relevant law.
  - (d) Any person who has been assessed a fee pursuant to statute or rules of the Board, and which fee is currently due, shall submit payment within the time provided by written notice.
  - (e) Any licensee, upon receiving any notice from the Board requesting a response, including but not limited to, notice that a complaint has been opened against the licensee, shall respond within the time specified in the notice. Provided, the director may grant a request for extension submitted within the period of time stated in the original notice.
  - (f) A funeral director, embalmer, or establishment shall not unreasonably delay the filing of a certificate of death.
  - (g) An embalmer shall make every reasonable effort to return viscera to the body cavity for final disposition. In the event the embalmer is unable to return the viscera to the body cavity, the viscera shall be placed in a non-porous container, labeled as such, and disposed of in an identical manner to the remains.
  - (h) The license of any licensee whom the Board finds has engaged in sexual misconduct with a dead human body may be revoked by the Board. If the Board determines disciplinary action that does not include revocation is appropriate in any case involving sexual misconduct, the Board shall issue a finding of no good cause for revocation and thoroughly explain the mitigating circumstances in any Order, whether by consent or otherwise.

- (i) Licensees shall obey any lawful order entered by the Board.
- (j) A licensee or registrant shall not engage in any conduct that may mislead or deceive the public as to the physical location of any funeral establishment.
- (k) Funeral directors, embalmers, and establishments shall conduct themselves in a way that does not offend the reasonable sensibilities of the public and reflects respect for dead human bodies.

Authority: T.C.A. §§ 62-5-203, 62-5-313, and 62-5-317.

Rule 0660-11-.07 Records is amended by adding the following language as newly designated paragraphs (3)-(5):

- (3) Each establishment shall provide written notification to the Board on a form designated by the Board no less than thirty (30) days prior to the preparation of non-human remains at the establishment. An establishment shall obtain a reinspection prior to offering such services to ensure compliance with the applicable laws, rules, and regulations. Each establishment shall promptly provide written notification to the Board if it ceases to offer such services.
- (4) Each establishment shall ensure that its price lists and any other documents required by the FTC Funeral Rule or T.C.A. Title 62, Chapter 5 and the accompanying rules and regulations do not include any services or merchandise for non-human remains.
- (5) Each establishment shall ensure that any trust accounts required by the FTC Funeral Rule or T.C.A. Title 62, Chapter 5 and the accompanying rules and regulations do not include any funds derived from services or merchandise provided for non-human remains.

Authority: T.C.A. §§ 62-5-203 and 62-5-313.

Rule 0660-12-.01 Removal Service is amended by adding paragraph (4), which shall read:

- (4) At no time shall a dead human body be transported in any manner with a dead non-human body unless prior written consent is obtained from the responsible party for the dead human body.

Authority: T.C.A. §§ 62-5-203, 62-5-313, and 62-5-318.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: July 27, 2018

Signature: *Cherelle Hooper*

Name of Officer: Cherelle Hooper

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: July 27, 2018

Notary Public Signature: *Carol McGlynn*

My commission expires on: Nov. 5, 2019

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Filed with the Department of State on: 7/27/18

*Tre Hargett*  
Tre Hargett  
Secretary of State



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