

Agency 63

Kansas State Board of Mortuary Arts

Articles

- 63-1. EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS.
63-4. FEES.
63-6. CONTINUING EDUCATION.
63-7. CREMATORIES.

Article 1.—EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS

63-1-6. General requirements relating to the practice of embalming, cremation, and funeral directing. (a) Following the loss or destruction of the license of any embalmer, funeral director, assistant funeral director, crematory operator, or establishment or branch establishment, a duplicate license shall be issued by the board upon the licensee's written request and payment of the duplicate license fee specified in K.A.R. 63-4-1.

(b) Each licensee shall promptly notify the board of all changes in the licensee's address.

(c) Each licensee shall promptly and fully cooperate at all times with the state department of health and environment and with the board in all matters pertaining to the general practice of embalming and cremation.

(d) Any licensee's name may be used in the form of an endorsement of a preneed funeral plan if the recommendation is genuine and representative of the current opinion of the licensee. The endorsement shall apply to the preneed funeral plan advertised. The licensee making the recommendation shall disclose to the public any financial interest in the preneed funeral plan or a related entity, or any direct or indirect benefit as a stockholder, officer, or employee.

(e) A licensee shall not be connected in any way with an insurance company if either of the following conditions is met:

(1) Policies are payable in merchandise or require the service of a designated funeral director or a member of a designated group of funeral directors.

(2) The certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them. (Authorized by K.S.A. 65-1730, K.S.A. 2010 Supp. 74-1704, K.S.A. 74-1707, and K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 65-1701, K.S.A. 65-1730, K.S.A. 74-1707; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989; amended Jan. 12, 2001; amended Sept. 16, 2011.)

Article 4.—FEES

63-4-1. Payment of fees. The following shall be charged by the Kansas state board of mortuary arts:

Table with 2 columns: Fee Description and Amount. Includes items like Embalmer's reciprocity application fee (\$350.00), Funeral director's examination fee (\$200.00), and Assistant funeral director's application fee (\$150.00).

Crematory operator's biennial license and renewal fee	\$50.00
Funeral establishment and branch establishment biennial license and renewal fee	\$650.00
Funeral establishment and branch establishment license and crematory license fee, if submitted simultaneously	\$950.00
Funeral establishment and branch establishment license renewal and crematory license renewal fee, if submitted simultaneously	\$950.00
Crematory license and renewal fee	\$650.00
Duplicate license	\$15.00
Rule book	\$5.00

(Authorized by and implementing K.S.A. 2010 Supp. 65-1727, as amended by L. 2010, ch. 131, sec. 7; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Jan. 1, 1988; amended May 1, 1988; amended Jan. 6, 1992; amended June 7, 1993; amended Jan. 1, 1994; amended Jan. 1, 1996; amended Jan. 1, 2000; amended May 17, 2002; amended Nov. 4, 2005; amended Feb. 8, 2008; amended Sept. 16, 2011.)

Article 6.—CONTINUING EDUCATION

63-6-2. Standards for approval. (a) A continuing education course or workshop shall be qualified for approval if the board determines that the course or workshop meets the following conditions:

(1) Constitutes an organized program of learning, including a symposium, that contributes directly to the professional competency of the licensee;

(2) is related to the profession of mortuary science, funeral directing, cremation, or embalming with content intended to enhance the licensee's knowledge, skill, values, ethics, or ability to practice as an embalmer, crematory operator, or funeral director;

(3) is conducted by individuals considered experts in the subject matter of the program by reason of education, training, or experience; and

(4) is accompanied by a paper, a manual, or written outline that substantially describes the subject matter and the length of the program.

(b) Continuing education credit not exceeding three credit hours of the annual total required hours for embalmers and funeral directors and

one credit hour for crematory operators may be approved by the board for any of the following:

(1) Correspondence work;

(2) video, sound-recorded, or television programs;

(3) information transmitted by other similar means as authorized by the board; or

(4) community service programs that are related to the profession of mortuary science, funeral directing, or embalming.

(c) Continuing education credit for service as a lecturer, presenter, or discussion leader may be approved by the board if this activity contributes to the professional competence of the applicant. Repetitions of an initial presentation shall not be counted. Not more than 50 percent of the total required hours for embalmers and funeral directors may be satisfied in this manner.

(d) The maximum number of credit hours that shall be granted for any single continuing education course or workshop single topic is six.

(e) Lists of approved continuing education programs shall be available on the board's web site.

(f) A person, licensed embalmer, licensed funeral director, crematory operator, or organization requesting approval for a continuing education course or a workshop shall make application at least 30 days before the date of each proposed course or workshop. Applications filed but not meeting this deadline shall be reviewed by the board or the continuing education committee at its next regularly scheduled meeting. (Authorized by and implementing K.S.A. 65-1702, K.S.A. 65-1716, and K.S.A. 2010 Supp. 65-1772; effective May 1, 1988; amended April 3, 1995; amended Jan. 12, 2001; amended Sept. 16, 2011.)

63-6-3. Post approval and review. (a) Each licensed embalmer, crematory operator, or funeral director and each organization seeking continuing education credit for prior attendance or participation in a program or activity that has not already been approved shall submit, on forms provided by the board, the following information to the board:

- (1) The dates;
- (2) the subject matter;
- (3) the names of the instructors and their qualifications, if applicable;
- (4) a description of the program or activity; and
- (5) the number of credit hours requested.

A complete written outline describing the subject matter or activity and the time of the program

shall accompany all requests. Within 90 days after receipt of the application, the licensee seeking credit shall be advised by the board, in writing and by mail, whether the activity is approved and the number of credit hours allowed. Any licensee may be denied credit if the licensee fails to comply with the requirements of this subsection.

(b) Any continuing education program already approved by the board may be monitored or reviewed by the board. Upon evidence of variation in the program presented from the program approved, all or any part of the program may be disapproved. (Authorized by and implementing K.S.A. 65-1702, K.S.A. 65-1716, and K.S.A. 2010 Supp. 65-1772; effective May 1, 1988; amended June 26, 1989; amended April 3, 1995; amended Jan. 12, 2001; amended Sept. 16, 2011.)

Article 7.—CREMATORIES

63-7-1. Definitions. (a) “Board” means the Kansas state board of mortuary arts.

(b) “Change of ownership” means the transfer of more than 25 percent of the stock or assets of a licensed crematory.

(c) “Closed container” means any container in which cremated remains can be placed and closed in a manner that prevents both the leakage or spillage of remains and the entrance of foreign material.

(d) “Coroner’s permit to cremate” means the document that is required to be issued by a Kansas coroner before the act of cremation.

(e) “Cremation container” means the container in which human remains are transported to the crematory and placed in the cremation chamber for a cremation. A cremation container shall meet all of the following requirements:

- (1) Be composed of readily combustible or consumable materials suitable for cremation;
- (2) be able to be closed in order to provide a complete covering for the human remains;
- (3) be resistant to leakage or spillage;
- (4) be rigid enough for handling with ease; and
- (5) be able to provide protection for the health, safety, and personal integrity of crematory personnel.

(f) “Cremation interment container” and “urn vault” mean a rigid outer container that meets both of the following requirements, subject to each cemetery’s policies:

- (1) Is composed of concrete, steel, fiberglass, or

a similar material in which an urn is placed before being interred in the ground; and

(2) is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

(g) “Crematory act” means K.S.A. 65-1760 through K.S.A. 65-1774, and amendments thereto.

(h) “Final disposition” means the burial or other disposition on a permanent basis of a dead human body, cremated remains, or parts of a dead human body.

(i) “Niche” means a compartment or cubicle for the memorialization or permanent placement of an urn containing cremated remains.

(j) “Person” means an individual, partnership, association, or corporation.

(k) “Processing” means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

(l) “Pulverization” means the reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.

(m) “Scattering area” means a designated area for the scattering of cremated remains usually in a cemetery and on dedicated cemetery property where cremated remains that have been removed from their container can be mixed with, or placed on top of, the soil or ground cover or can be buried in an underground receptacle on a commingled basis. (Authorized by and implementing K.S.A. 65-1766, as amended by L. 2010, ch. 131, sec. 13, and K.S.A. 2010 Supp. 65-1774; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-2. Crematory operator in charge; crematory operator; recordkeeping.

(a) The crematory operator in charge or crematory operator shall furnish to each person who delivers human remains to the crematory a receipt showing the date and time of the delivery, the name of the person from whom the human remains were received, the name of the person who received the human remains on behalf of the crematory, and the name of the decedent. The crematory operator or crematory operator in charge shall retain a copy of this receipt in its permanent records.

(b) Upon the release of cremated remains, the crematory operator or crematory operator in charge shall furnish to the person who receives the cremated remains from the crematory a re-

ceipt signed by the person who receives the cremated remains and showing the date of the release, the identification number of the deceased, and the name of the decedent. The crematory operator in charge shall retain a copy of this receipt in its permanent records.

(c) Each crematory operator in charge or crematory operator shall create and maintain on the premises an accurate record of every cremation provided. The records shall include all of the following information for each cremation:

(1) The name of the person, funeral establishment, or branch establishment delivering the body for cremation;

(2) the name of the deceased and the identification number assigned to the body;

(3) the time and date of acceptance of delivery;

(4) the date that the body was placed in the cremation chamber;

(5) the date and the name of the individual receiving the cremated remains;

(6) the name and address of the person who signed the authorization to cremate; and

(7) all supporting documentation, including the coroner's permit to cremate and the authorizing agent's authorization to cremate.

(d) The records required under subsection (c) shall be maintained for five calendar years after the release of the cremated remains. Following this period, the crematory operator in charge or crematory operator may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for seven calendar years from the date of the release of the cremated remains. At the end of this period, the crematory operator in charge may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified.

(e) The crematory operator in charge or crematory operator shall maintain a permanent record of the name of the deceased and the date the deceased's body was cremated.

(f) The crematory operator in charge or crematory operator shall maintain a permanent record of all cremated remains disposed of by the crematory. (Authorized by and implementing K.S.A. 65-1723, K.S.A. 2010 Supp. 65-1762, as amended by L. 2010, ch. 131, sec. 9; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-6. Licensure applications for cre-

matories. (a) Each crematory operator in charge shall submit a completed application for a crematory license for each crematory that the individual currently supervises. The application shall be submitted in writing on forms provided by the board and shall contain the following information:

(1) The name, address, and location of the crematory;

(2) a roster of all crematory operators employed at the crematory;

(3) the name and form of ownership of the business;

(4) the names and titles of all individual owners or, if a corporation, all officers;

(5) evidence confirming the date the crematory desires to be licensed;

(6) a description of the type of structure, equipment, and process being used in the operation of the crematory;

(7) verification of compliance with all applicable local and state building codes, zoning laws, ordinances, and environmental standards, including those guidelines adopted by the centers for disease control and prevention regarding biosafety; and

(8) any further information that the board may require regarding compliance with the crematory act.

(b) A crematory operator in charge may be in charge of not more than one licensed crematory. (Authorized by K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1771; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-7. Inspection of crematories. (a) Each crematory shall be subject to routine inspections at least once a year by the board or its designee, to determine compliance with the crematory act and the board's regulations adopted under this act.

(b) A crematory may be subject to additional inspections if any of the following conditions exists:

(1) The crematory incurred a violation in a previous inspection.

(2) A change occurred in ownership or in the crematory operator in charge.

(3) The crematory operator in charge did not timely renew the crematory license.

(4) The board has information that violations could exist or could have occurred.

(c) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m. or at any time

business is being conducted, unless otherwise agreed by both parties.

(d) Inspections shall be made by the board or its designee.

(e) Inspections of crematories may be authorized by the board or its executive secretary.

(f) Any authorized inspection may be conducted without notice to the crematory operator in charge. (Authorized by and implementing K.S.A. 65-1723; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-9. Crematory operator's license; application requirements. (a) Each person seeking licensure as a crematory operator shall meet the requirements of K.S.A. 65-1771, and amendments thereto, and shall pay the fee specified in K.A.R. 63-4-1. For purposes of the training, the following requirements shall apply:

(1) Fifty minutes of training shall constitute one hour.

(2) Proof of completion of training shall be provided to the board by the provider of the program on a form approved by the board.

(3) A list of approved programs shall be listed on the board's web site.

(b) All licenses issued shall be signed by the president and the secretary of the board and attested by its seal. Each crematory operator shall at all times prominently display the crematory operator's license in the crematory operator's place of employment. (Authorized by K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1771; effective Sept. 16, 2011.)

63-7-10. Crematory operator's initial license; biennial renewal. (a) The initial licensure fee for crematory operators shall be charged on a pro rata basis in order to place new licensees according to the expiration dates specified in subsection (c).

(b) Each crematory operator license renewal fee shall be paid on a biennial basis. Each renewal fee shall be initially prorated to the nearest whole month, to establish the biennial renewal process.

(c) Each expiration date shall be assigned alphabetically according to the first letter of the applicant's or licensee's surname, as follows:

(1) A and M shall expire on January 31.

(2) B and N shall expire on February 28.

(3) C and O shall expire on March 31.

(4) D and P shall expire on April 30.

(5) E and Q shall expire on May 31.

(6) F and R shall expire on June 30.

(7) G and S shall expire on July 31.

(8) H and T shall expire on August 31.

(9) I and U shall expire on September 30.

(10) J and V shall expire on October 31.

(11) K and W shall expire on November 30.

(12) L, X, Y, and Z shall expire on December 31.

Each licensee whose surname begins with a letter from A through L shall renew in even-numbered years. Each licensee whose surname begins with a letter from M through Z shall renew in odd-numbered years.

(d) Each licensee shall make up all past continuing education hours accrued during the expiration period within one year of reinstatement.

(e) Each licensee changing the licensee's surname shall notify the board of the change, and the expiration date shall be adjusted to the month designated in subsection (c). (Authorized by K.S.A. 2010 Supp. 65-1772 and K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1772; effective Sept. 16, 2011.)

63-7-11. Continuing education. (a) Each crematory operator shall submit with the license renewal application satisfactory proof of completion of at least two board-approved clock-hours of continuing education related to cremation per biennial licensure period. Each crematory operator shall file proof of completion of continuing education credit with the board on forms approved by the board.

(b) Any licensee may obtain continuing education credit by attending and participating in continuing education courses or workshops that meet the requirements of K.A.R. 63-6-2.

(c) The continuing education requirements for each individual newly licensed shall be waived for the first-time renewal of that individual's license.

(d) Compliance with this regulation shall be a requirement for each crematory operator that is separate from the continuing education requirements for embalmers and funeral directors. (Authorized by K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1772; effective Sept. 16, 2011.)