

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

December 11, 2019
10:00 a.m. Central Time
Nebraska State Office Building – Lower Level B
301 Centennial Mall South, Lincoln, Nebraska

The purpose of this hearing is to receive comments on the proposed changes to the following regulations:

Title 172 Chapter 67 – *Funeral Directors and Embalmers*

The proposed regulations remove all duplicative statutory language from the regulations and removes any repetitive regulatory language that is found in 172 NAC 10. The proposed regulations also reduce continuing education hours from 16 to 12 hours each biennial renewal and increases the frequency that the licensee is required to pass the jurisprudence examination to each renewal period rather than every 10 years as a condition of renewal.

Title 172 Chapter 68 – *Funeral Establishments and Branch Establishments*

The proposed regulations remove all duplicative statutory language from the regulations and removes any repetitive regulatory language that is found in 172 NAC 9. The proposed regulations also extends the timeframe for which a deceased human body may be retained in refrigeration before embalming, burial or cremation from 72 hours to 8 days, and removes the list of required equipment and tools to be in an embalming room from the regulations.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 172	Prepared by: Kris Chiles
Chapter: 67	Date prepared: 2/15/2019
Subject: <u>Funeral Directors and Embalmers</u>	Telephone: 402-471-0185

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 172	Prepared by: Kris Chiles
Chapter: 68	Date prepared: 2/15/2019
Subject: <u>Funeral Establishments and Branch Establishments</u>	Telephone: 402-471-0185

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 67 FUNERAL DIRECTORS AND EMBALMERS

001. SCOPE AND AUTHORITY. These regulations govern the licensing of funeral directors and embalmers under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-1401 to 38-1428 of the Funeral Directing and Embalming Practice Act and the Uniform Credentialing Act. Persons providing funeral directing and embalming services to clients located in Nebraska must be licensed as a funeral director and embalmer in Nebraska unless they are exempt under the Act.

002. DEFINITIONS. Definitions set out in the Funeral Directing and Embalming Practice Act, the Uniform Credentialing Act, and 172 Nebraska Administrative Code (NAC) 10 apply to this chapter.

003. LICENSE REQUIREMENTS. To obtain a funeral directing and embalming license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-1414 through 38-1416, 172 NAC 10, and this chapter.

003.01 GENERAL EDUCATION. An applicant must submit an official transcript directly from the issuing institution verifying completion of the required hours of college credit.

003.02 RECIPROCITY. An applicant who holds a license or credential in another state and is applying based on that credential, the Department will accept as equivalent for the specific education coursework identified in Neb. Rev. Stat. § 38-1414, 5 years of practice as a licensed or certified funeral director and embalmer in another state and 16 hours of acceptable funeral directing and embalming continuing education that was completed within the 24 months immediately preceding the application. The applicant must provide:

- (A) Direct source verification of certification of a credential to practice funeral directing and embalming submitted to the Department by the jurisdiction showing a minimum of 5 years of holding a credential;
- (B) Documentation showing practice for a minimum of five years under the credential;
and
- (C) Documentation of completion of a minimum of 16 hours of acceptable funeral directing and embalming continuing education within the previous 24 months immediately prior to application.

003.03 MORTUARY SCIENCE EDUCATION. An applicant must submit an official transcript verifying completion of a full course of instruction in an accredited school of mortuary science. Hours earned in a school of mortuary science as part of the mortuary program may not be used for the meeting the requirements of 172 NAC 67-003.01.

003.04 APPRENTICESHIP. An applicant must submit documentation of completion of a 12-month apprenticeship, as set out in this chapter, under the supervision of a licensed Funeral Director and Embalmer practicing in the state of Nebraska. The documentation must include evidence meeting the requirements in Neb. Rev. Stat. §38-1414.

003.04(A) RECIPROCITY. If an applicant has completed 1 year of funeral directing and embalming practice following licensure or certification in another jurisdiction, this practice is deemed equivalent to a 12-month apprenticeship. The applicant must provide direct source verification of a credential to practice funeral directing to the Department by the jurisdiction showing a minimum of 1 year of holding such credential.

003.05 EXAMINATION. The applicant must submit documentation of successful completion of the following examinations:

- (A) The International Conference of Funeral Service Examining Boards examination with a scaled score of at least 75; and
- (B) The Nebraska jurisprudence examination and the Nebraska vital statistic forms examination with a score of at least 75% on each examination.

004. APPRENTICE LICENSE. To obtain an apprentice license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. § 38-1416, 172 NAC 10, and this chapter.

004.01 GENERAL EDUCATION. The applicant must submit an official transcript verifying completion of the college credit hours as set out in Neb. Rev. Stat. § 38-1416.

004.02 MORTUARY SCIENCE EDUCATION. If applying for a 12-month apprenticeship or the final 6-month apprenticeship, the applicant must submit an official transcript verifying completion of a full course in an accredited school of mortuary science. Hours earned in a school of mortuary science as part of the mortuary program may not be used for the meeting the requirements of 172 NAC 67-003.01.

004.03 SUPERVISOR. The applicant must have a statement from the supervisor verifying agreement to supervise the apprentice. The supervisor must hold a current active license as a funeral director and embalmer in Nebraska.

004.04 CHANGE IN SUPERVISOR. An individual who changes his or her apprentice supervisor or adds a new supervisor, must submit a change in supervisor form provided by the Department within 30 days following the change. An individual may not practice without an apprentice supervisor.

005. EXAMINATION ELIGIBILITY. To be eligible to take the jurisprudence and vital statistics examinations in order to obtain a license as a funeral director and embalmer, an applicant must submit a complete examination application provided by the Department and meet the following:

- (A) Have been issued a final 6-month or 12-month apprenticeship license; or
- (B) Meet the requirements for licensing by reciprocity as specified in 172 NAC 68-003.

006. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. Applicants must meet the requirements set out in 172 NAC 10. All licenses, except apprentice licenses, issued by the Department expire on February 1st of each even-numbered year.

007. CONTINUING EDUCATION. During the 24 months prior to the license expiration date, each licensed funeral director, embalmer, or funeral director and embalmer must complete:

- (A) 12 hours of acceptable continuing education hours; and
- (B) Pass the Nebraska jurisprudence examination with a score of at least a 75%.

007.01 ACCEPTABLE CONTINUING EDUCATION ACTIVITIES AND HOURS. The following specifies the type of acceptable continuing education and the hours allowed for each type:

- (A) 1 semester hour of academic credit equals 15 continuing education hours.
- (B) 1 quarter hour of academic credit equals 10 continuing education hours.
- (C) A maximum of 8 hours may be obtained through home study programs, internet and other electronic technology.
- (D) 60 minutes of participation equals 1 continuing education hour obtained through workshops, lectures, or interactive satellite or webinars. Credit will not be awarded for break and meal times.
- (E) If a licensee completes supervision of 1 apprentice during the renewal period, 4 hours can be applied towards the continuing education requirements.
- (F) A maximum of 2 hours of continuing education may be obtained through a funeral directing and embalming related tour. Conducting a tour of the licensee's facility does not constitute continuing education. 60 minutes of tour participation equals 1 continuing education hour.
- (G) A maximum of 2 hours of continuing education may be obtained through a funeral directing and embalming related exhibit or display. If a continuing education workshop provides an exhibit or display area, a licensee may earn 1 continuing education hour per workshop for viewing the exhibits or displays.
- (H) A maximum of 8 hours of continuing education may be obtained through attendance at a District, State, or National Association Business Meeting. 60 minutes of participation constitutes 1 continuing education hour. Only 1 hour may be obtained per meeting.

007.02 ACCEPTABLE CONTINUING EDUCATION TOPIC AREAS. In order for a continuing education activity or program to be accepted for renewal or reinstatement of a license, the activity must include one or a combination of the following topic areas:

- (A) Communication or media;
- (B) Counseling or arbitration;
- (C) Customer relations;
- (D) Disaster training;
- (E) Embalming practice;
- (F) Funeral directing practice;
- (G) Management, including personnel or business;
- (H) Marketing or advertising;
- (I) Personal development; or
- (J) Pre-need.

DRAFT
06-11-2019

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 67

008. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

009. FEES. Fees referred to in this chapter are set out in 172 NAC 2.

TITLE 172 _____ PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 67 _____ LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS

~~67-001 SCOPE AND AUTHORITY:~~ These regulations govern the licensure of funeral directors and embalmers under the Funeral Directing and Embalming Practice Act and the Uniform Credentialing Act. Persons providing funeral directing and embalming services to clients located in Nebraska must be licensed as a funeral director and embalmer in Nebraska unless they are exempt under the Act.

~~67-002 DEFINITIONS:~~ For purposes of these regulations, definitions in the Uniform Credentialing Act and the Funeral Directing and Embalming Practice Act and the following definitions are hereby adopted.

~~Attest or attestation~~ means that the individual declares that all statements on the application are true and complete.

~~Complete application~~ means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

~~Licensure in another jurisdiction~~ means holding a credential that authorizes the individual to engage in the profession of funeral directing and embalming which would otherwise be unlawful, from the District of Columbia or any state, territory, or possession of the United States of America, or any province of Canada.

~~Military service~~ means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

~~Served in the regular armed forces~~ has the same meaning as "military service" in these regulations.

~~67-003 INITIAL AND RECIPROCITY LICENSE: To receive a license, an individual must submit a complete application, pay the appropriate fee, and meet the following:~~

~~67-003.01 Age and Good Character: Be at least 19 years old and of good character;~~

~~67-003.02 Citizenship/Lawful Presence: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act;~~

~~67-003.03 General Education: Have earned the equivalent of 60 semester hours of college credit, which includes:~~

- ~~a. 6 semester hours of English;~~
- ~~b. 6 semester hours of accounting;~~
- ~~c. 8 semester hours of chemistry;~~
- ~~d. 12 semester hours of biological science relating to the human body; and~~
- ~~e. 6 semester hours of psychology or counseling;~~

~~Reciprocity: For reciprocity an applicant must have the following:~~

~~1. Education/Practice: Earned the equivalent of 60 semester hours of college credit and either coursework as listed in 172 NAC 67-003.03 or practice as follows:~~

~~a. At least 5 years of practice as a licensed or certified Funeral Director and Embalmer in another state. A year of apprenticeship does not constitute licensure or certification in this case. It must be 5 years of practice beyond the year of apprenticeship; and~~

~~2. Continuing Education: Completed at least 16 hours of funeral directing and embalming continuing education within the previous 24 months immediately prior to application;~~

~~67-003.04 Mortuary Science Education: Have completed a full course of instruction in an accredited school of mortuary science. Hours earned in a school of mortuary science as part of the mortuary program may not be used for the 60 semester hours;~~

~~67-003.05 Apprenticeship: Have completed a 12-month apprenticeship under the supervision of a licensed Funeral Director and Embalmer practicing in the State of Nebraska. The apprenticeship must:~~

- ~~a. Be registered with the Department prior to the start date;~~
- ~~b. Be completed in one of the following ways:~~

- ~~(1) 6 months split as specified in 172 NAC 67-004.01 or~~
- ~~(2) Full 12 months; and~~

c. _____ Consist of arterially embalming 25 bodies and assisting with 25 funerals.

~~Reciprocity:~~ Have completed 1 year of funeral directing and embalming practice following licensure/certification in another jurisdiction is deemed equivalent to a 12-month apprenticeship.

~~67-003.06 Examination:~~ Have successfully passed the national standardized examination developed and administered by The International Conference of Funeral Service Examining Boards, the Nebraska jurisprudence examination and Nebraska vital statistic forms examination with a score of 75% or above on each examination.

67-003.07 Denied or Withdrawn Applications

~~67-003.07A Denied Applications:~~ An applicant for a funeral directing and embalming license whose application is denied by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department. Any examination fee will not be returned.

~~67-003.07B Withdrawn Applications:~~ An applicant for a funeral directing and embalming license may request to withdraw the application. A request to withdraw an application will be granted:

1. _____ When the application is incomplete; or
2. _____ When the request for withdrawal is received within five business days of the receipt of a completed application.

If a request to withdraw an application is granted, the applicant will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

~~67-004 APPRENTICE LICENSE:~~ Individuals applying for an initial license as a Funeral Director and Embalmer must complete an apprenticeship under the supervision of a licensed Funeral Director and Embalmer practicing in the State of Nebraska. Apprenticeships must be served in the State of Nebraska in a licensed Funeral Establishment and the first 25 funeral assists and 25 embalmings must be completed under direct onsite supervision of the supervising funeral director and embalmer.

Applicants may complete the 12 months apprenticeship in either a split apprenticeship or a full apprenticeship. Before beginning an apprenticeship, an individual must apply and be approved by the Department for apprentice licensure.

67-004.01 Types of Apprenticeship:

1. _____ 12-Month Full Apprenticeship. An applicant may serve a 12-month full apprenticeship by serving over a continuous 12-month period following the successful completion of a full course of study in an accredited school of mortuary science and the successful passage of the licensing examination. Licensure will

~~be for 12 months from the date of issuance, must be completed over a continuous 12-month period and will not be extended by the Board.~~

- ~~2. 12-month Split Apprenticeship. An applicant may serve a 12-month split apprenticeship by serving 6 months prior to attending a school of mortuary science and serving the remaining 6 months after graduation from a school of mortuary science. Licensure will be for 6 months from the date of issuance, must be completed over a continuous 6-month period and will not be extended by the Board.~~

~~67-004.02 License: To receive an apprentice license, an individual must submit a complete application, pay the appropriate fee, and meet the following:~~

~~67-004.02A Age and Good Character: Be at least 19 years old and of good character;~~

~~67-004.02B Citizenship/Lawful Presence: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act;~~

~~67-004.02C General Education: Have completed at least 39 of the 60 semester hours of college credit, as specified in 172 NAC 67-003.03;~~

~~67-004.02D Mortuary Science Education and Examination: If requesting a 12-Month apprenticeship or the final 6-month apprenticeship:~~

- ~~1. Have completed a full course of instruction in an accredited school of mortuary science; and~~
- ~~2. Have successfully completed the licensing examination.~~

~~Items 1 and 2 above do not apply when requesting the first 6-Months of a split apprenticeship; and~~

~~67-004.02EF Supervisor: Have a supervisor who is licensed and practicing as a funeral director and embalmer in Nebraska.~~

~~67-004.03 Change in Supervisor: An individual who changes his/her supervisor or adds a new supervisor must submit a complete application to the Department within 30 days following the change. A complete application includes all required documentation and a written application.~~

~~67-004.04 Denied or Withdrawn Applications~~

- ~~1. Denied Applications: An applicant for an apprentice license whose application is denied by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.~~

2. ~~Withdrawn Applications:~~ An applicant for apprentice license may request to withdraw the application. A request to withdraw an application will be granted:

- a. ~~When the application is incomplete; or~~
- b. ~~When the request for withdrawal is received within five business days of the receipt of a completed application.~~

If a request to withdraw an application is granted, the applicant will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

67-005 EXAMINATIONS

67-005.01 Jurisprudence and Vital Statistics Forms Examination:

~~67-005.01A Eligibility:~~ To be eligible to take the jurisprudence examination and vital statistics forms examination, an applicant must:

1. ~~Have received written notification from the Department approving a 12-month apprenticeship license; or~~
2. ~~Have received written notification from the Department approving a final 6-month apprenticeship license; or~~
3. ~~Meet the requirements for licensing by reciprocity as specified in 172 NAC 67-003.~~

~~67-005.01B Examination Registration:~~ To register for the jurisprudence examination and vital statistics forms examination, the applicant must submit a complete application to the Department.

~~67-005.01C Special Accommodations:~~ If special accommodations are requested, such request may be submitted on a form provided by the Department. If the applicant has a learning disability, a psychological disability, or hidden disability that requires an accommodation in testing, an originally signed and dated document must be submitted from an appropriate professional (education professional, doctor, psychologist, psychiatrist) verifying the applicant's disabling condition which requires special accommodations.

67-006 RENEWAL: An individual who wants to renew his/her license to practice as a funeral director, embalmer or funeral director and embalmer must, prior to the expiration date, file an application for renewal, pay the fee, and demonstrate compliance with continuing education requirements.

67-006.01 Continuing Education: On or before February 1st of each even-numbered year, each Funeral Director, Embalmer or Funeral Director and Embalmer holding an active license in the State of Nebraska must:

1. Complete at least 16 hours of acceptable continuing education hours during the preceding 24-month period. A licensee may carry-over up to 4 hours earned beyond the 16 hours for the next renewal period.
2. Take the Nebraska Jurisprudence Examination at least 1 time every 10 years.

67-006.01A Continuing Education Hour/Credit Calculations. The following provides the hour/credit calculations:

1. Academic Credit: All 16 hours of continuing education hours per a biennial renewal period may be obtained through academic credit; hours are calculated as follows:
 - a. 1 semester hour of academic credit equals 15 continuing education hours; and
 - b. 1 quarter hour of academic credit equals 10 continuing education hours;
2. Home Study/Internet/Other Electronic Means: A maximum of 8 hours of continuing education hours per a biennial renewal period may be obtained through home study programs.
3. Continuing Education Workshops: All 16 hours of continuing education hours per a biennial renewal period may be obtained through continuing education workshops, lectures, or interactive satellite/web workshops. 60 minutes of participation equals 1 continuing education hour. Credit will not be awarded for breaks and meals.
4. Jurisprudence Examination: 4 hours of continuing education hours will be granted for licensees receiving a score of 75% or above on the jurisprudence examination. A licensee must take the jurisprudence examination at least 1 time every 10 years.
5. Tours: A maximum of 2 hours of continuing education credit per a biennial renewal period may be obtained through a funeral directing and embalming related tour. Conducting a tour of the licensee's facility does not constitute continuing education. 60 minutes of tour participation equals 1 continuing education credit.
6. Exhibits/Displays: A maximum of 2 hours of continuing education hours per a biennial renewal period may be obtained through a funeral directing and embalming related exhibit/display. If a continuing education workshop provides an exhibit or display area, a licensee may earn 1 continuing education credit per workshop for viewing the exhibits/displays.

7. ~~District/State/National Association Meetings:~~ A maximum of 8 hours of continuing education hours per a biennial renewal period may be obtained through attendance at a District, State, or National Association Business Meeting. 60 minutes of participation constitutes 1 continuing education credit. Only 1 hour may be obtained per meeting.

~~67-006.01B Acceptable Continuing Education Topic Areas:~~ The Board does not approve continuing education programs/activities. In order for a continuing education activity/program to be accepted for renewal or reinstatement of a license, the activity must include one or a combination of the following topic areas:

1. ~~Communication/Media;~~
2. ~~Counseling/Arbitration;~~
3. ~~Customer relations;~~
4. ~~Disaster training;~~
5. ~~Embalming practice;~~
6. ~~Funeral directing practice;~~
7. ~~Management (stress/personnel/business);~~
8. ~~Marketing/advertising;~~
9. ~~Personal development; or~~
10. ~~Pre-need.~~

~~67-006.01C Continuing Education Workshop/Program Criteria:~~ To be considered acceptable for continuing education, a workshop/program must meet the following criteria:

1. ~~Be at least 60 minutes in duration;~~
2. ~~Objectives must relate to the topic areas defined in 172 NAC 67-006.01B;~~
3. ~~Presenters of programs must be qualified by education, experience or training;~~
4. ~~Must be open to all Funeral Directors and Embalmers licensed by Nebraska who meet the pre-requisites for the program; and~~
5. ~~The provider must have a process for verifying attendance and issue a certificate of attendance. Each certificate must include the following:—~~
 - a. ~~Program name;~~
 - b. ~~Name of the participant and his or her license number;~~
 - c. ~~Provider's name;~~
 - d. ~~Date the program began and ended; and~~
 - e. ~~Number of hours received by the licensee.~~

~~67-006.01D Criteria for a Home Study Program/Internet/Other Electronic Means:~~ To be considered acceptable, a home study program must meet the following criteria:

- ~~1. Objectives must relate to the topic areas defined in 172 NAC 67-006.01B;~~
- ~~2. Author(s) of home study programs must meet the following qualifications:
 - ~~a. Have experience in the content and subject matter;~~
 - ~~b. Have expertise in teaching and instructional methods suitable to subject presented; and~~
 - ~~c. Have suitable academic qualifications, certification credentials, and/or experience for subject presented; and~~~~
- ~~3. Must be a post-test or other method of assessment which verifies that the licensee completed the program.~~

67-006.02 Waivers of Continuing Education:

67-006.02A Military Service

- ~~1. Licensees actively engaged in military service are not required to pay the renewal fee.~~
- ~~2. The Department may waive continuing competency requirements if a licensee has served in the regular armed forces of the U.S. during part of the credentialing period immediately preceding the renewal date.~~

67-006.02B First Licensed: ~~The Department waives continuing education requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.~~

67-006.02C Medical: ~~The Department may waive continuing education for individuals who have had a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 24 months immediately preceding the license renewal date.~~

67-006.03 Inactive Status: ~~When an individual wants to have his/her license placed on inactive status, s/he must notify the Department in writing. There is no fee to have a license placed on inactive status and continuing education is not required.~~

67-007 DISCIPLINARY ACTION

67-007.01 Grounds for Discipline: ~~A funeral directing, embalming or funeral directing and embalming license may be denied, refused renewal, or have other disciplinary measures taken against it for grounds specified in Neb. Rev. Stat. §§ 38-178, 38-1423 and 38-1424 or for unprofessional conduct.~~

67-007.02 Unprofessional Conduct: ~~Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of funeral directing and embalming or the ethics of the profession, regardless of whether a person,~~

patient, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

1. ~~Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation by the Department;~~

67-008 REINSTATEMENT: This section applies to individuals previously licensed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska license. Individuals may apply for reinstatement as follows:

1. ~~An individual whose license has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.~~
2. ~~An individual whose license has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.~~
3. ~~An individual whose license has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.~~
4. ~~An individual whose license has been permanently voluntarily surrendered is not eligible for reinstatement and may not reapply for a new credential of the same license type.~~

The voluntary surrender of a license may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

67-009 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE
CHAPTER 68 FUNERAL ESTABLISHMENTS AND BRANCH ESTABLISHMENTS

001. SCOPE AND AUTHORITY. This chapter governs the licensing of funeral establishments and branch establishments under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-1401 to 38-1428 of the Funeral Directing and Embalming Practice Act and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions set out in the Funeral Directing and Embalming Practice Act, the Uniform Credentialing Act, and 172 Nebraska Administrative Code (NAC) 9 apply to this chapter.

003. ESTABLISHMENT LICENSE. To obtain a license, an applicant must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-130, 38-1419 through 38-1420, 4-108 through 4-111, 172 NAC 9, and this chapter.

003.01 MANAGER LICENSE. The applicant must submit evidence that the proposed manager has a current active Nebraska funeral director or funeral director and embalmer's license.

003.02 SELF-EVALUATION. The applicant must submit a complete self-evaluation inspection report showing compliance with this chapter.

004. CHANGE IN MANAGER, OWNER, NAME AND LOCATION. Owners may request a change in manager, name, owner, or location of an establishment.

004.01 CHANGE IN MANAGER OR OWNER. To change the manager or owner, the applicant must submit a complete application to the Department and obtain another credential as specified in 172 NAC 68-003 as provided in Neb. Rev. Stat. § 38-1419 and submit the required fee for a reissued license.

004.01(A) IMMEDIATE TERMINATION OR DEATH OF MANAGER. In the event of an immediate termination of a manager or in the event of the death of the manager, the application for a change in manager must be submitted to the Department within 5 days following notification of termination or death of the manager. During this period of time, the establishment may operate as long as a licensed funeral director and embalmer is providing funeral directing and embalming services in accordance with the Funeral Directing and Embalming Practice Act and 172 NAC 67 and 172 NAC 68. Such exception terminates after the 5-day period.

004.02 CHANGE IN NAME. To change the name, the applicant must submit a request for a change in the establishment name as provided in Neb. Rev. Stat. § 38-1419 and submit the required fee for a reissued license.

004.03 CHANGE OF ESTABLISHMENT LOCATION. To change the location, the applicant must apply to the Department for and obtain another license as specified 172 NAC 68-003 as provided in Neb. Rev. Stat. § 38-1419.

004.04 ADDING A PREPARATION ROOM. For establishments that have been licensed without a preparation room and wish to add a preparation room for the care and preparation of dead human bodies for burial, disposition or cremation, the applicant must:

- (A) Notify the Department of the establishment's intent to have a preparation room; and
- (B) Have received a successful inspection rating within 30 days of the anticipated change in services.

005. ORGANIZED OR SCHEDULED FUNERAL SERVICES, AUTHORIZED SERVICES BY UNLICENSED PERSONS, AND STUDENTS IN MORTUARY SCHOOLS. The following sets out the requirements for organized or scheduled services, services that do not require a license, and student in an internship.

005.01 ORGANIZED OR SCHEDULED SERVICES. A licensed funeral director and embalmer must be present at each organized or scheduled funeral service, including a wake where an organized service is conducted or a religious service, burial and interment, whenever a dead human body is present.

005.02 SERVICES THAT DO NOT REQUIRE A LICENSE. The following do not require professional knowledge and skills as a funeral director or embalmer in order to provide the services or activities.

005.02(A) IMPLEMENTING ARRANGEMENTS. Persons, who are not licensed as funeral directors and embalmers, may assist in implementing arrangements made by a licensed funeral director and embalmer as long as they are under his or her supervision and responsibility. These activities include:

- (i) Driving or maintenance of funeral vehicles and facilities;
- (ii) Administrative duties;
- (iii) Applying cosmetics;
- (iv) Arranging or shampooing the hair of the deceased;
- (v) Ceremonial assistance, such as bathing, clothing, dressing and casketing the deceased body, and;
- (vi) Religious services.

005.02(B) FIRST CALLS. Persons, at the request of the licensed funeral director and embalmer, may make first calls or removals of dead human bodies.

005.02(C) STUDENTS. A student enrolled in a school accredited by the American Board of Funeral Service Education (ABFSE), may participate in a student practicum or internship in a licensed funeral establishment in Nebraska. The student may assist with funeral directing and embalming services when the student is in a recognized practicum

or internship, under the supervision of the school of mortuary science, and under the direct on-site supervision and responsibility of a Nebraska licensed funeral director and embalmer.

006. TRANSPORTATION AND FINAL DISPOSITION OF DEAD HUMAN BODIES. The following applies to transportation and final disposition of dead human bodies who have died due to a communicable disease, transporting a dead human body in-state and out-of-state, and final disposition requirements.

006.01 DECEASED DUE TO AN IMMEDIATELY REPORTABLE COMMUNICABLE DISEASE. Persons who have died due to any communicable disease listed in 173 NAC 1, which must be reported immediately, must be completely wrapped before removal from the premises. These requirements do not prohibit a public funeral, nor does it relieve persons who are quarantined as contacts from quarantine requirements. Bodies dead of such communicable diseases must be:

- (1) Thoroughly and promptly embalmed and be held in isolation from the public for a period of 24 hours following the embalming;
- (2) Encased immediately after death in a body transfer case or shipping case that is constructed out of 20 gauge steel and is hermetically sealed, and under no condition will the body be removed from the container; or
- (3) Cremated immediately. If visitation is to occur prior to cremation, the body must be thoroughly and promptly embalmed and held in isolation from the public for a period of 24 hours following the embalming.

006.01(A) DECEASED DUE TO A COMMUNICABLE DISEASE NOT REQUIRED TO BE IMMEDIATELY REPORTED. Persons who have died due to a communicable disease other than those listed in 173 NAC 1 which must be reported immediately, require no further special handling.

006.02 OUT-OF-STATE TRANSPORTATION. When a body is to be transported out of the state of Nebraska, the Nebraska funeral director and embalmer in charge of the body must determine the regulations governing the transportation of bodies in the other state or states, and must comply fully with the requirements of such regulations, must oversee the removal while the body is in Nebraska, and must comply with the requirements under 172 NAC 68 and with the Interstate Commerce Commission's requirements for transportation by common carrier.

006.03 IN-STATE TRANSPORTATION. Dead human bodies, which have not been embalmed, may not be transported by common carrier, unless the body is placed immediately after death in a body transfer case or shipping case that is constructed out of 20 gauge steel and is hermetically sealed. Transportation may be made by privately owned conveyance under the supervision and responsibility of a licensed funeral Director. Embalmed bodies may be transported by either common carrier or private carrier.

006.04 FINAL DISPOSITION OF EMBALMED AND UN-EMBALMED BODIES. Final disposition of a dead human body must meet the following:

006.04(A) UN-EMBALMED BODY. Upon receipt of a dead human body, the licensee has 24 hours to either bury, cremate, embalm, place in refrigerated storage, or place in a hermetically sealed container, which cannot be reopened. If placing in refrigerated storage, an un-embalmed body must:

- (i) Be retained at a constant temperature of less than 40 degrees Fahrenheit for not more than 8 days. An un-embalmed body may be retained in storage beyond the 8 days only when:
 - (1) Written notification of a criminal proceeding is received; or
 - (2) Upon receipt of a court order.
- (ii) When the body is removed from storage it must be embalmed, buried, cremated, or placed in a hermetically sealed container within 24 hours following the removal from storage.

006.04(B) EMBALMED BODY. Final disposition of a dead human body, which has been embalmed or been placed in a hermetically sealed container, must be made within 30 days after death. If death did not occur in Nebraska, final disposition of a dead human body must be made within 30 days after receipt of the dead human body.

006.04(B)(i) EXTENSION OF FINAL DISPOSITION. If unforeseen circumstances occur which would prevent final disposition of a dead human body within the required 30 days after death, the license holder must request an extension from the Director of the Division of Public Health to extend the final disposition date. The Director may authorize an extension of the required final disposition date of a dead human body up to 30 days. If final disposition has not occurred by the ending date of the extension, the license holder must seek court action regarding final disposition of the decedent's remains. To attain an extension, the licensee must submit a written request to the Department, which includes the following:

- (1) Name of funeral establishment and license holder overseeing the final disposition;
- (2) Name of the deceased;
- (3) Date of death of the deceased; and
- (4) An explanation of the basis for extending the final disposition, such as but not limited to family dispute, criminal investigation, military burial, shipments outside of the United States, or similar acts.

007. INSPECTIONS. All establishments will receive an initial and thereafter routine inspection. Establishments must be fully in compliance with 172 NAC 68-008.

007.01 INITIAL SELF-EVALUATION INSPECTION. Under 172 NAC 68-003, the applicant must conduct a self-evaluation inspection prior to the proposed opening date of the establishment.

007.02 TIMING OF INSPECTIONS. The Department may conduct an on-site unannounced inspection at any time it deems necessary.

008. FUNERAL ESTABLISHMENT REQUIRED DOCUMENTS, PHYSICAL STRUCTURE AND EQUIPMENT AND SUPPLIES. A licensee is responsible for operating a funeral establishment in compliance with the requirements of the statutes and this chapter.

008.01 PHYSICAL STRUCTURE. The physical structure must be maintained to ensure safety of the public and to ensure compliance with the equipment and sanitation requirements.

008.01(A) CONDUCTING FUNERAL SERVICES. If services include conducting funeral services for dead human bodies, the funeral establishment must have:

- (i) Room(s) for:
 - (1) Counseling families or next of kin;
 - (2) Conducting the funeral service; and
 - (3) Viewing the deceased;
- (ii) The room(s) must have:
 - (1) Floor to ceiling walls on all sides, and must be either a part of the funeral establishment or located at a licensed branch establishment, which is within a reasonable distance of the funeral establishment;
 - (2) Space for public seating;
 - (3) Space for viewing the dead human body; and
 - (4) May have an adjacent area for cosmetic services and dressing of the dead human body for viewing purposes;
- (iii) A casket selection area, which has either a catalogue or electronic media for ordering caskets, or has sample caskets displayed;
- (iv) Motor vehicles, such as, but not limited to, funeral coach, sedans, and vans; and
- (v) A general price list (GPL).

008.01(B) PREPARATION FOR FINAL DISPOSITION. If services include preparation for burial, disposition or cremation, the funeral establishment must include:

008.01(B)(i) PREPARATION ROOM. A preparation room for preparing dead human bodies for burial or other final disposition which has floor to ceiling walls on all sides that are cleanable, such as tile or other suitable hard surfaces, and ventilation that meets the Occupational Safety and Health Administration (OSHA) requirements. The preparation room must be clean and sanitary and contain equipment necessary for preparation of dead human bodies.

008.01(B)(ii) MATERIALS OR SUPPLIES. Materials or supplies which come in contact with a dead human body must not be used more than once without being first completely cleansed, disinfected, and then laundered.

008.01(B)(iii) BIO-WASTE MATERIALS. Bandages, cotton, and other bio-waste materials that have been in contact with bodily fluids must be destroyed or placed in the bio-waste receptacle for removal by a waste removal service immediately at the conclusion of each case.

008.01(B)(iv) EQUIPMENT WITHIN A MOTOR VEHICLE. All equipment within a motor vehicle used for the transportation of deceased persons, which comes in contact with a deceased person, must be thoroughly disinfected immediately at the conclusion of each instance of transportation.

009. BRANCH ESTABLISHMENT, PHYSICAL STRUCTURE AND CASKET SELECTION AREA. A branch establishment must comply with the physical structure requirements and may have a casket selection area.

009.01 PHYSICAL STRUCTURE. The physical structure must be maintained to ensure safety of the public and compliance with the equipment and sanitation requirements. The physical structure must have:

- (A) Adequate lighting to maintain public safety; and
- (B) If viewing of the dead human body is provided at the branch location, the viewing room(s) must have floor to ceiling walls on all sides.

009.02 CASKET SELECTION AREA. If the branch establishment has a casket selection area, the area may include a catalogue or electronic media for ordering caskets or have sample caskets displayed.

010. DOCUMENTS. Copies of the following must be posted or available in establishments:

010.01 POSTED. The following must be posted for public viewing.

- (A) The current establishment license;
- (B) The current license of the manager and all embalmers, apprentices, funeral directors and funeral directors and embalmers employed by the establishment; and
- (C) A sign containing the name of the establishment. The sign must be located on or at the front of the building in a position where it clearly is visible and legible from the outside of the building.

010.02 AVAILABLE. If funeral arrangements are made, written statements containing a list of principal services and furnishings to be supplied by the funeral director and embalmer for the preparation and burial or cremation of a dead human body, including a general price list must be provided to the customer.

011. CLOSING AN ESTABLISHMENT. When a licensee anticipates closing an establishment, the Department must be notified in writing of the closing date. The licensee must retain the establishment's pre-need records in compliance with the Burial Pre-Need Sale Act and upon closing the establishment, the licensee must forward said records to another funeral establishment in Nebraska. The licensee must remove all signage relating to the name of the funeral establishment or branch establishment upon its closing.

012. RENEWAL. The applicant must meet the requirements of Neb. Rev. Stat. § 38-143 and 172 NAC 9. All establishments issued by the Department will expire February 1 of each even-numbered year.

013. REAPPLICATION. Applicants who were previously licensed in Nebraska and seek the authority to return to operation must meet the requirements set out in 172 NAC 9 and the statutes.

014. FEES. Fees referred to in this chapter are set out in 172 NAC 2.

TITLE 172 _____ PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 68 _____ LICENSURE OF FUNERAL ESTABLISHMENTS AND BRANCH
ESTABLISHMENTS

~~68-001 SCOPE AND AUTHORITY:~~ These regulations govern the licensure of funeral establishments and branch establishments under the Funeral Directing and Embalming Practice Act and the Uniform Credentialing Act.

~~68-002 DEFINITIONS:~~ For purposes of these regulations, definitions in the Uniform Credentialing Act and the Funeral Directing and Embalming Practice Act and the following definitions are hereby adopted.

~~Attest or attestation~~ means that the individual declares that all statements on the application are true and complete.

~~Complete application~~ means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

~~68-003 ESTABLISHMENT LICENSE:~~ Any person who wishes to operate a branch establishment or Funeral Establishment must obtain an establishment license.

Funeral establishments may be licensed for one or a combination of the following services:

- ~~1. The care and preparation of dead human bodies for burial, disposition, or cremation;~~
- ~~2. Conducting funeral services for dead human bodies; or~~
- ~~3. Arranging funeral services for dead human bodies.~~

Branch establishments may be licensed if they are a subsidiary of a licensed funeral establishment and must include an area where any portion of the funeral service or arrangements for the disposition of a dead human body is conducted and must include at least one or a combination of the following rooms/areas:

1. _____ A casket display room; or
2. _____ A viewing area; or
3. _____ An area for conducting funeral services.

~~68-003.01 Qualifications:~~ To receive a license, an individual must submit a complete application, pay the appropriate fee, and meet the following:

1. _____ Manager License: The proposed manager must have a current active Nebraska _____ Funeral Director's or Funeral Director and Embalmer's license;
2. _____ Good Character: The proposed manager must have good character;
3. _____ Citizenship/Lawful Presence: The manager and owner, if the owner is a sole proprietor, must be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a license under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a license under the Uniform Credentialing Act; and
4. _____ Self-Evaluation: Complete a self-evaluation inspection report showing compliance with 172 NAC 68-008 and, if applicable, 172 NAC 68-009; and

~~68-003.02 Branch Establishment:~~ If the application is for a branch establishment, the branch establishment must be a subsidiary of a licensed funeral establishment.

68-003.03 Denied or Withdrawn Applications

~~68-003.03A Denied Applications:~~ An applicant for a funeral establishment or branch establishment license whose application is denied by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

~~68-003.03B Withdrawn Applications:~~ An applicant for a funeral establishment or branch establishment license may request to withdraw the application. A request to withdraw an application will be granted:

1. _____ When the application is incomplete; or
2. _____ When the request for withdrawal is received within five business days of the receipt of a completed application.

If a request to withdraw an application is granted, the applicant will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

~~68-003.04 License Not Transferable:~~ A license is issued only for the premises and manager named in the application and is not transferable or assignable.

~~68-003.05 License Display: The establishment license must be conspicuously displayed in the branch establishment and/or funeral establishment.~~

~~68-003.06 Establishment Manager Responsibilities: The designated manager is responsible for all transactions conducted at the establishment, in compliance with the statutes, rules and regulations relating to funeral directing and embalming and establishments.~~

~~68-004 AMENDED LICENSE FOR EXISTING ESTABLISHMENTS. An establishment license is issued only for the premises, the owner and manager named in the application and is not transferable or assignable. An establishment may amend its license as follows:~~

~~68-004.01 Change in Establishment Manager: The applicant must apply to the Department for and obtain another license at least 15 days prior to the change in manager and submit the required fee for a reissued license.~~

~~In the event of an immediate termination of a manager or in the event of the death of the manager, the application for a change in manager must be submitted to the Department within 5 days following notification of termination or death of the manager. During this period of time, the establishment may operate as long as a licensed funeral director and embalmer is providing funeral directing and embalming services in accordance with the Funeral Directing and Embalming Practice Act and Rules and Regulations 172 NAC 67 and 172 NAC 68. Such exception terminates after the 5-day period.~~

~~68-004.02 Change in Establishment Name: The applicant must apply to the Department for and obtain another license at least 30 days prior to the change in name and submit the required fee for a reissued license.~~

~~68-004.03 Change in Owner: The applicant must apply to the Department for and obtain another license at least 15 days prior to the change in owner and submit the required fee for a reissued license.~~

~~68-004.04 Change of Establishment Location: The applicant must apply to the Department for and obtain another license as specified in 172 NAC 68-003 at least 30 days prior to the change.~~

~~68-004.05 Change in Services Provided - Adding a Preparation Room: For establishments that have been licensed without a preparation room and wish to add a preparation room for the care and preparation of a dead human bodies for burial, disposition or cremation, the applicant must:~~

- ~~1. Notify the Department of the establishment's intent to have a preparation room; and~~
- ~~2. Have received a successful inspection rating within 30 days of the anticipated change in services.~~

68-005 ORGANIZED OR SCHEDULED FUNERAL SERVICES AND AUTHORIZED SERVICES BY UNLICENSED PERSONS AND STUDENTS IN MORTUARY SCHOOLS:

1. ~~A licensed funeral director and embalmer must be present at each organized or scheduled funeral service (including a wake where an organized service is conducted or a religious service), burial and interment, whenever a dead human body is present. No person who is not licensed as a funeral director and embalmer or serving as an apprentice can embalm dead human bodies for burial or cremation.~~

~~Persons, who are not licensed as funeral directors and embalmers, may assist in implementing arrangements made by a licensed funeral director and embalmer as long as they are under his/her supervision and responsibility.~~

~~These activities include:~~

- ~~a. Driving/maintenance of funeral vehicles and facilities;~~
- ~~b. Administrative duties;~~
- ~~c. Applying cosmetics;~~
- ~~d. Arranging or shampooing the hair of the deceased;~~
- ~~e. Ceremonial assistance (such as bathing, clothing/dressing and casketing the deceased body) and;~~
- ~~f. Religious services pursuant to 68-005, item 1.~~

2. ~~Persons may, at the direction of a licensed funeral director and embalmer, make first calls or removals of dead human bodies. Exception: Instances in which removals are performed by public authorities in emergency situations.~~

3. ~~A student may participate in a student practicum/internship in a licensed funeral establishment in Nebraska, if the student's school is accredited by and in good standing with the American Board of Funeral Service Education (ABFSE). The student may assist with funeral directing and embalming services when the student is in a recognized practicum/internship, under the supervision of the school of mortuary science, and under the direct on-site supervision and responsibility of a Nebraska licensed funeral director and embalmer.~~

68-006 TRANSPORTATION AND FINAL DISPOSITION OF DEAD HUMAN BODIES

68-006.01 Communicable Disease: ~~Persons who have died due to communicable diseases listed in 173 NAC 1-004.01 must be completely wrapped before removal from the premises. Bodies dead of such communicable diseases must be:~~

- ~~1. Thoroughly and promptly embalmed and be held in isolation from the public for a period of 24 hours following the embalming; or~~
- ~~2. Encased immediately after death in a body transfer case or shipping case that is constructed out of 20 gauge steel and is hermetically sealed, and under no condition will the body be removed from the container; or~~

3. ~~Cremated immediately. If visitation is to occur prior to cremation, the body must be thoroughly and promptly embalmed and held in isolation from the public for a period of 24 hours following the embalming.~~

~~This rule does not prohibit a public funeral, nor does it relieve persons who are quarantined as contacts from quarantine requirements.~~

~~Persons who have died due to a communicable disease other than those listed in 173 NAC 1-004.01 require no further special handling.~~

~~68-006.02 Out-of-State Transportation: In case a body is to be transported out of the state of Nebraska, the Nebraska Funeral Director and Embalmer in charge of the body must determine the regulations governing the transportation of bodies in the other state, or states, and must comply fully with the requirements of such regulations, must oversee the removal while the body is in Nebraska, and must comply with the requirements under 172 NAC 68, and with the Interstate Commerce Commission's requirements for transportation by common carrier.~~

~~68-006.03 In-State Transportation of Bodies~~

1. ~~Un-Embalmed Bodies:~~

- a. ~~Dead human bodies, which have not been embalmed, must not be transported by common carrier. Transportation may be made by privately owned conveyance under the supervision and responsibility of a licensed Funeral Director.~~
- b. ~~In the event the body is placed immediately after death in a body transfer case or shipping case that is constructed out of 20 gauge steel and is hermetically sealed, the body may be transported, in the same manner as an embalmed body.~~

2. ~~Embalmed Bodies: There are no additional restrictions to the transportation of embalmed bodies other than those contained in the existing Nebraska statutes, provided the body is embalmed by arterial and cavity injection using current accepted practices and chemicals.~~

- a. ~~Exception: In the event the remains are to be sent to the State Anatomical Board, cavity work should be avoided when possible.~~

~~68-006.04 General Rules Relating to Embalmed Bodies, Un-Embalmed Bodies and Final Disposition of Dead Human Bodies:~~

~~68-006.04A Un-Embalmed Body: An un-embalmed body may be retained in storage at a constant temperature of less than 40 degrees Fahrenheit for not more than 96 hours from receipt of the deceased body. An un-embalmed body may be retained in storage beyond the 96 hours if:~~

1. ~~Written notification of a criminal proceeding is received; or~~
2. ~~Upon receipt of a court order.~~

~~When such a body is removed from storage it must be embalmed, buried, or cremated within 24 hours following the removal from storage.~~

~~68-006.04B Embalmed: Final disposition of a dead human body, which has been embalmed, must be made within 30 days after death. If death did not occur in Nebraska, final disposition of a dead human body must be made within 30 days after receipt of the dead human body.~~

1. ~~Exception: If unforeseen circumstances occur which would prevent final disposition of a dead human body within the required 30 days after death, the license holder must request special permission from the Director of the Division of Public Health to extend the final disposition date.~~
 - a. ~~To attain special permission, the license holder must submit a written request to the Division, stating the following:~~
 - i. ~~Name of Funeral Establishment and license holder overseeing the final disposition;~~
 - ii. ~~Name of the deceased;~~
 - iii. ~~Date of death of the deceased; and~~
 - iv. ~~An explanation of the basis for extending the final disposition, such as but not limited to: family dispute, criminal investigation, military burial, shipments outside of the United States, or similar acts.~~
 - b. ~~The Director may authorize an extension of the required final disposition date of a dead human body up to 30 days. If final disposition has not occurred by the ending date of the extension, the license holder must seek court action regarding final disposition of the decedent's remains.~~

~~68-007 FUNERAL ESTABLISHMENT AND BRANCH ESTABLISHMENT INSPECTIONS: All establishments will receive an initial and thereafter a routine inspection. The inspection will include compliance with 172 NAC 68-008.~~

~~68-007.01 Initial Self-Evaluation Inspection: Under 172 NAC 68-003, the applicant must conduct a self-evaluation inspection prior to the proposed opening date of the establishment.~~

~~68-007.02 Initial On-Site Inspection: The Department will conduct an on-site unannounced inspection within 90 days following issuance of an initial establishment license.~~

~~68-007.03 Timing of Inspections:~~ The Department may conduct an on-site unannounced inspection at any time it deems necessary.

~~68-007.04 Focused Selection Inspections:~~ The Department may conduct an unannounced inspection of an establishment when the Department is informed of one or more of the following:

- ~~1. The passage of 6 years without an inspection;~~
- ~~2. A complaint alleging a violation of statutes and/or regulations relating to funeral establishments and branch establishments;~~
- ~~3. Change of services or location; and~~
- ~~4. Any other event that raises concerns about the maintenance or management of the establishment.~~

~~68-008 FUNERAL ESTABLISHMENT REQUIRED DOCUMENTS, PHYSICAL STRUCTURE AND EQUIPMENT/SUPPLIES:~~ A funeral establishment must have the following:

~~68-008.01 Documents:~~ Documents must be posted and/or available as follows:

- ~~1. The current license of the funeral establishment must be conspicuously displayed;~~
- ~~2. The current license of the manager and all licensed embalmers, registered apprentices, licensed funeral directors and licensed funeral directors and embalmers employed by the funeral establishment must be conspicuously displayed;~~
- ~~3. A sign which displays the name of the current or proposed funeral establishment. The sign must be located on or at the front of the building in a position where it clearly is visible and legible from the outside of the building, or provide documentation that it is on order; and~~
- ~~4. Copies of written statements containing a list of principal services and furnishings to be supplied by the funeral director or funeral director and embalmer for the preparation and burial or cremation of a deceased body (i.e., general price list).~~

~~68-008.02 Physical Structure:~~ The physical structure must be maintained to ensure safety of the public and to ensure compliance with the equipment and sanitation requirements.

- ~~1. Conducting Funeral Services:~~ If services will include conducting funeral services for dead human bodies, the funeral establishment must have:

~~a. Room(s) for:~~

- ~~(1) Counseling families or next of kin;~~

- ~~(2) Conducting the funeral service; and~~
- ~~(3) Viewing the deceased.~~

~~The room(s) must have floor to ceiling walls on all sides, and must be either a part of the funeral establishment or located at a licensed branch establishment, which is within a reasonable distance of the funeral establishment. The room(s):~~

- ~~(1) Must have space for public seating;~~
- ~~(2) Must have space for viewing the deceased body; and~~
- ~~(3) May have an adjacent area for cosmetic services and dressing of the deceased body for viewing purposes.~~

~~b. A casket selection area, which has either a catalogue or electronic media for ordering caskets, or has sample caskets displayed.~~

~~c. Motor vehicles, such as, but not limited to: funeral coach, sedans and vans.~~

~~d. A general price list (GPL).~~

~~2. Preparation for Final Disposition: If services include the care and preparation for burial, disposition or cremation, the funeral establishment must include:~~

~~a. A preparation room for preparing dead human bodies for burial or other final disposition which has floor to ceiling walls on all sides. The preparation room must be clean and sanitary and contain at a minimum the following:~~

- ~~(1) Flooring and walls that are cleanable, such as tile or other suitable hard surface;~~
- ~~(2) Adequate drainage, lighting and ventilation;~~
- ~~(3) At least one sink with running water;~~
- ~~(4) At least one service sink or floor drain for use of drainage from the embalming table and for use with the aspirator;~~
- ~~(5) Fully closing doors;~~
- ~~(6) The following instruments and supplies with ample storage thereof:
 - ~~(a) Head covers;~~
 - ~~(b) Shoe covers;~~
 - ~~(c) Goggles;~~
 - ~~(d) Masks;~~
 - ~~(e) Heavy duty or surgical gloves;~~
 - ~~(f) Disinfectant spray;~~
 - ~~(g) Adequate materials for use with contagious diseases (contagious disease kit);~~
 - ~~(h) Embalming Gown with sleeves;~~~~

- ~~(i) Porcelain or stainless steel embalming table;~~
- ~~(j) Embalming machine;~~
- ~~(k) Hydro or electrical aspirator with arterial tubes and drain tubes;~~
- ~~(l) Pair of spring forceps;~~
- ~~(m) Aneurysm needles;~~
- ~~(n) Pair of scissors;~~
- ~~(o) Different sizes of suture needles;~~
- ~~(p) Scalpel with extra blades;~~
- ~~(q) Razor with extra blades;~~
- ~~(r) Trocar with suitable length of hose;~~
- ~~(s) Cavity Fluid Injector;~~
- ~~(t) Sanitary and medical waste container;~~
- ~~(u) Arm and head supports; and~~
- ~~(v) Cavity, special and arterial fluids.~~

~~68-008.02A Materials or supplies which come in contact with a dead human body must not be used more than once without being first completely cleansed, disinfected, and then laundered.~~

~~68-008.02B Bandages, cotton, and other waste materials must be destroyed or placed in the bio-waste receptacle for removal by a waste removal service immediately at the conclusion of each case to the end that all disease-producing organisms are destroyed and the public health thereby protected.~~

~~68-008.02C All equipment within a motor vehicle used for the transportation of deceased persons, which comes in contact with a deceased person, must be thoroughly disinfected immediately at the conclusion of each instance of transportation to the end that all disease-producing organisms are destroyed and the public health thereby protected.~~

~~68-009 BRANCH ESTABLISHMENT REQUIRED DOCUMENTS, PHYSICAL STRUCTURE AND CASKET SELECTION AREA. A branch establishment must have the following:~~

~~68-009.01 Documents: Documents must be posted and/or available as follows:~~

- ~~1. The current license of the funeral establishment must be conspicuously displayed;~~
- ~~2. The current license of the manager and all licensed funeral directors and licensed funeral directors and embalmers employed by the funeral establishment must be conspicuously displayed;~~
- ~~3. A sign which displays the name of the current or proposed branch establishment. The sign must be located on or at the front of the building in such a position where it clearly is visible and legible from the outside of the building, or provide documentation that it is on order; and~~

4. If funeral arrangements are made at the branch location, copies of written statements containing a list of principal services and furnishings to be supplied by the funeral director or funeral director and embalmer for the preparation and burial or cremation of a deceased body (i.e., general price list).

~~68-009.02 Physical Structure:~~ The physical structure must be maintained to ensure safety of the public and compliance with the equipment and sanitation requirements. The physical structure must have:

1. Adequate ventilation;
2. Adequate lighting to maintain public safety; and
3. If viewing of the deceased body is provided at the branch location, the viewing room(s) must have floor to ceiling walls on all sides;

~~68-009.03 Casket Selection Area:~~ If the branch establishment has a casket selection area, the area may include a catalogue or electronic media for ordering caskets or have sample caskets displayed.

~~68-010 CLOSING AN ESTABLISHMENT:~~ When an establishment manager anticipates closing an establishment, the Department must be notified in writing of the closing date. The Department will then change its records to reflect the current status of the establishment.

The establishment must retain its pre-need records in compliance with the Burial Pre-Need Sale Act and upon closing the establishment, it must forward said records to another funeral establishment in Nebraska. The establishment must remove all signage relating to the name of the funeral establishment or branch establishment upon its closing.

~~68-011 RENEWAL~~ An individual who wants to renew his/her license to operate as a funeral establishment or branch establishment must, prior to the expiration date of February 1, of even-numbered years, file an application for renewal and pay the fee.

68-012 DISCIPLINARY ACTION

~~68-012.01 Grounds for Discipline:~~ A branch establishment or funeral establishment license may be denied, refused renewal, or have other disciplinary measures taken against it for grounds specified in Neb. Rev. Stat. §§ 38-182, 38-1423 or 38-1424 and the following:

1. Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation by the Department.

~~68-013 REAPPLICATION: This section applies to establishments previously credentialed in Nebraska who seek the authority to return to operation in Nebraska with a valid Nebraska license.~~

- ~~1. An establishment whose license has expired, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons may apply at any time to the Department for and obtain another license as specified in 172 NAC 68-003.~~
- ~~2. An establishment whose license has been voluntarily surrendered for a definite period may apply after that period of time has elapsed, to the Department for and obtain another license as specified in 172 NAC 68-003.~~
- ~~3. An establishment whose license has been revoked may apply for another license, only after a period of two years has elapsed from the date of revocation, to the Department for and obtain another license as specified in 172 NAC 68-003.~~
- ~~4. An individual whose license has been permanently voluntarily surrendered may not apply for another license.~~

~~The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.~~

~~68-014 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.~~