



Certification Page
Regular and Emergency Rules
Revised May 2014

☐ Emergency Rules (After completing all of Sections 1 and 2, proceed to Section 5 below)

☒ Regular Rules

1. General Information

a. Agency/Board Name
Administration and Information, Dept. of

b. Agency/Board Address
2001 Capitol Ave, RM 104

c. City
Cheyenne

d. Zip Code
82002

e. Name of Contact Person
JoAnn Reid

f. Contact Telephone Number
307-777-3507

g. Contact Email Address
joann.reid@wyo.gov

h. Adoption Date
November 6, 2014

i. Program
Funeral Service Practitioners, Board of

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed

If "New," provide the Enrolled Act numbers and years enacted: **Enrolled Act 21 & 47; Year 2014**

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number: 1	Chapter Name: General Authority	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Funeral Service Practitioner	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Apprentice Funeral Service Practitioner	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Practice of Professional Funeral Service	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 5	Chapter Name: Funeral Establishment	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 6	Chapter Name: Crematory or Chemical Disposition Facility	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 7	Chapter Name: Rental or Leased Caskets	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 8	Chapter Name: Fees	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 9	Chapter Name: Renewal	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 10	Chapter Name: Suspension, Revocation or Denial of License	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

d. ☒ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing.

LEGISLATIVE SERVICE OFFICE

NOV 14 2014



3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: September 10, 2014

b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office: September 10, 2014

c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General: September 10, 2014

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☒ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☒ No

If "Yes,"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: November 14, 2014

b. Date on which final rules were sent to the Legislative Service Office: November 14, 2014

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: November 14, 2014

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual
(Blue ink as per Rules on Rules, Section 7)

Printed Name of Signatory

JoAnn Reid

Signatory Title

Executive Director

Date of Signature

November 14, 2014

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wvleg.gov; clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

Wyoming State Board of Funeral Service Practitioners

Emerson Building, RM 104 ♦ 2001 Capitol Avenue ♦ Cheyenne, WY 82002

(307) 777-5403 ♦ Fax: (307) 777-3508

<http://plboards.state.wy.us/embalmers>

STATEMENT OF REASONS

In accordance with W.S. 33-16-509(a)(iv), the Wyoming Board of Funeral Service Practitioners (Board) has created rules necessary to administer the Funeral Service Practitioners Act.

- CHAPTER 1: Provides Statement of Purpose, definitions, incorporation by references, and establishes a regular meeting date for the Board.
- CHAPTER 2: Provides application and licensing requirements for Funeral Service Practitioners and application and permit requirements for Annual and Occasional Nonresident permits.
- CHAPTER 3: Provides application and licensing requirements for Apprentice Funeral Service Practitioners, Supervision requirements, and apprenticeship terms.
- CHAPTER 4: Defines the Funeral Service Practitioner scope of practice, shipping requirements, and addresses communicable disease.
- CHAPTER 5: Provides application and permit requirements for funeral establishments.
- CHAPTER 6: Provides application and permit requirements for crematories and chemical disposition facilities, training requirements and establishes a responsible party.
- CHAPTER 7: Provides requirements for rented or leased caskets.
- CHAPTER 8: Establishes fees for services. The Board established fees based on amounts previously collected by the Board of Embalming with no increase. New fees were established for services not previously provided by the Board of Embalming.
- CHAPTER 9: Establishes a license and permit expiration date and requirements and application procedures for renewal. Establishes continuing education requirements.
- CHAPTER 10: Provides grounds for discipline.
- CHAPTER 11: Provides complaint procedure and investigation processes. The uniform rules referred to in W.S. 16-3-102 are not yet available to be adopted so these rules do not incorporate them.

Although these are new rules, the Board strived to meet the Governor's initiative of clearer more concise Rules and was able to decrease content. The former Board of Embalming rules consisted of thirty (30) pages and the new Funeral Service Practitioner rules consist of twenty-two (22) pages, which is a decrease of approximately twenty-five percent (25%).



CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Funeral Service Practitioners pursuant to their authority under the Funeral Service Practitioners Act, W.S. 33-16-501 through 33-16-537.

Section 2. Statement of Purpose. These rules and regulations are adopted to implement the authority of the Board and protect the public by:

(a) Regulating the qualifications and establishing standards of performance for persons licensed as funeral service practitioners or permitted as funeral directors, crematory operators or chemical disposers;

(b) Developing and applying appropriate techniques, including examinations and investigations, for determining whether an individual meets the standards;

(c) Issuing licenses or permits to qualified individuals who have met required standards and suspending or revoking licenses or permits issued by the Board in any case where the licensee or permit holder is determined to have failed to conform to the requirements of standards;

(d) Establishing and carrying out procedures designed to ensure that licensees or permit holders comply with the requirements of the standards;

(e) Receiving, investigating and taking appropriate action with respect to any charge or complaint filed with the Board to the effect that any licensee or permit holder has failed to comply with the Act or Board rules and regulations; and

(f) Conducting investigations, hearings and proceedings concerning alleged violations and administering appropriate disciplinary action against licensees or permit holders for proven violations.

Section 3. Severability. If any provision of these regulations or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 4. Terms Defined Herein.

(a) “Authorizing agent” means the individual(s) holding the right of disposition.

(b) “Dissolution” includes, but is not limited to, chemical disposition.

(c) “Dissolution chamber” is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the dissolution process takes place.

(d) “Final processing” means bone fragments and non-combustible items, such as metal debris, are separated by hand or by magnet. The bone fragments are placed into a cylindrical processor and further pulverized (or crushed) into small, uniform fragments.

(e) “Supervision” means that the licensed funeral service practitioner is in the embalming room generally, and in all cases, in the funeral establishment while the apprentice is assisting with the preparation of the dead human body.

Section 5. Board. The Board shall elect one (1) of its members as president during the annual meeting to be held at the Board office, 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming, on the second Tuesday in June beginning at 10:00 a.m. The Board may meet at other times as deemed necessary to transact business.

Section 6. Incorporation by Reference.

(a) For any code, standard, rule, regulation or statute incorporated by reference in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;

(iii) The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, WY 82002 and is available for public inspection and copying at cost at the same location;

(b) Each code, standard, rule, regulation or statute incorporated by reference in these Board Rules is further identified as follows:

(i) The statute incorporated by reference in Chapter 4, Section 2 of these Board Rules is Chapter 12 – Consumer Protection as existing on July 1, 2014. Copies of this statute can be obtained from the Wyoming Board of Funeral Service Practitioners at the following location <http://plboards.state.wy.us/embalmers/RulesRegs.asp>.

(ii) The statute incorporated by reference in Chapter 3, Section 3 of these Board Rules is the Wyoming Uniform Consumer Credit Code as existing on July 1, 2014. Copies of this statute can be obtained from the Wyoming Board of Funeral Service Practitioners at the following location <http://plboards.state.wy.us/embalmers/RulesRegs.asp>.

(iii) The rule incorporated by reference in Chapter 4, Section 4 of these Board Rules is Funeral Industry Practices as existing on July 1, 2014 including amendments adopted by the Federal Trade Commission (FTC) as of that date. Copies of this statute can be obtained from the FTC at the following location <http://www.consumer.ftc.gov/articles/0300-ftc-funeral-rule>.

CHAPTER 2

FUNERAL SERVICE PRACTITIONER

Section 1. A license is required in accordance with W.S. 33-16-517.

Section 2. General Application Procedures.

(a) The Board shall not review an individual's credentials prior to receiving a complete application. An individual is considered an applicant once they have submitted:

(i) A complete and notarized official application form accompanied by the application fee; and

(ii) Appropriate proof of legal presence in the United States.

(b) All documents submitted in support of the application shall be submitted directly to the office of the Board from the source and not forwarded through the applicant.

(c) The completion of all requirements for licensure shall be documented within one (1) year of the date the application was received by the Board, otherwise the application will be deemed incomplete and closed without further notice.

Section 3. Funeral Service Practitioner License. In addition to the documents required in Section 1(a), an applicant for funeral service practitioner licensure shall submit:

(a) Letters of recommendation from an actively licensed funeral service practitioner in good standing with the state licensing board and two (2) non-funeral service related business or professional persons who have been personally acquainted with the applicant, certifying to the applicant's abilities and professional performance;

(i) Letters of recommendation must have been signed within six (6) months of the date of application.

(ii) Letters of recommendation will not be accepted from relatives of the applicant.

(iii) All letters of recommendation must contain an original signature.

(b) An official college or university transcript;

(c) An official embalming or mortuary school transcript;

(d) An official International Conference of Funeral Service Examining Boards examination score report;

(e) A completed oral jurisprudence examination administered by the Board at the regular meeting of the Board, with a passing score of at least seventy-five percent (75%); and

(i) A special meeting may be requested by the applicant for the purpose of examination administration. Additional fees may apply.

(f) A completed Apprentice Report, signed by the supervising funeral service practitioner, attesting completion of assisting in the embalming of at least twenty-five (25) dead human bodies and having assisted in arranging and conducting at least twenty-five (25) funeral or memorial services in no less than one (1) year and no more than three (3) years;

(i) Apprenticeship is not required of an out-of-state applicant who meets the qualifications in Section 3.

(g) Verification of license from all jurisdictions in which the applicant held or currently holds a license to practice funeral service, if applicable.

Section 4. Annual Nonresident Funeral Service Practitioner Permit. In addition to the documents required in Section 2(a), an applicant for an annual funeral service practitioner permit shall submit official verification of an active license in good standing from the jurisdiction in which he resides.

(a) The annual funeral service practitioner permit holder may conduct any service for a fee where human remains are present in the state of Wyoming with no limit on the number of services for the duration of the permit.

(b) Annual funeral service practitioner permits expire one year after issuance. Any out-of-state licensee wishing to continue to perform services for a fee in Wyoming must reapply for an annual permit.

Section 5. Occasional Nonresident Funeral Service Practitioner Permit. An out-of-state licensee wishing to perform a service for a fee where human remains are present in the state of Wyoming as a one-time event shall apply for and receive an occasional funeral service practitioner permit prior to performing a service in this state.

(a) Occasional funeral service practitioner permits are valid for one service only. Additional services performed in Wyoming shall each require a new permit.

(b) Occasional funeral service practitioner applicants must submit the following:

(i) A complete and notarized official application form accompanied by the application fee; and

(ii) A copy of a current license in good standing from their state of residence.

CHAPTER 3

APPRENTICE FUNERAL SERVICE PRACTITIONER

Section 1. Qualifications. Any individuals apprenticing with a funeral service practitioner shall be licensed in accordance with W.S. 33-16-519.

Section 2. Apprentice License. Individuals applying for an apprentice license shall submit the following:

- (a) A complete and notarized official application form accompanied by the application fee;
- (b) A completed open-book jurisprudence examination with a passing score of at least 90%;
- (c) A completed "Apprenticeship Supervision Agreement" signed by the supervising funeral service practitioner and the apprentice; and
- (d) Appropriate proof of legal presence in the United States.

Section 3. Supervision. Any licensed funeral service practitioner in the state of Wyoming may have a person serving as an apprentice funeral service practitioner under their supervision.

(a) The licensed funeral service practitioner shall assume complete responsibility for all acts and omissions of the apprentice within the scope of the apprenticeship;

(b) A licensed funeral service practitioner shall not have more than one (1) apprentice registered under his supervision at any one time unless so approved by the Board and authorized by the written permission of the Board.

(i) A licensed funeral service practitioner shall supervise no more than two (2) apprentices at any one time.

(c) It shall be the responsibility of the licensed funeral service practitioner to ensure the apprentice is properly licensed by the Board prior to the commencement of the apprenticeship period. The licensed funeral service practitioner shall report the work which the apprentice has performed every six (6) months, including the number of bodies the apprentice assisted in embalming or otherwise prepared for disposition during the period.

Section 4. Term and Requirements of Apprenticeship.

(a) An apprenticeship consists of the following:

- (i) Two thousand (2,000) working hours at a permitted funeral establishment;
- (ii) Embalming twenty-five (25) dead human bodies;
- (iii) Arrangement of twenty-five (25) funeral services.

(b) The term of the apprenticeship shall be at least twelve (12) months but no more than thirty-six (36) months.

(i) The Board may, within its discretion and for cause, extend the apprenticeship period.

(c) Only hours completed in Wyoming and supervised by a Wyoming licensed funeral service practitioner will count toward completion of the apprenticeship;

Section 5. Change in Supervision.

(a) In the event of employment termination of the apprentice, the supervisor shall notify the Board in writing within ten (10) days of termination.

(b) In the event of a change of the supervisor, the apprentice shall notify the Board in writing within ten (10) days of termination.

(c) Any changes to the apprentice's employment or supervisor will cause the apprentice's license to become null and void.

(d) The apprentice shall submit a new application and fee and shall not provide services until documentation of an appropriate supervisor is approved by the Board.

CHAPTER 4

PRACTICE OF PROFESSIONAL FUNERAL SERVICE

Section 1. Inspection of Facility. The Inspector appointed by the Board shall have the powers and duties prescribed by law and shall at all times carry the certificate of his appointment and authority issued by the Board and signed by the President of the Board, which he shall present upon demand when engaged in the business of the Board. The Inspector shall make a full and complete confidential report of all inspections and investigations made by him and shall leave with the person in charge of each funeral establishment inspected or investigated by him a certificate showing the date of the inspection, a copy of the certificate signed by the person in charge of the establishment at the time of the completion of the inspection or investigation, shall be transmitted by the Inspector of the Board. Whenever any inspection or investigation is made by a member of the Board, the foregoing provisions of this rule shall apply to the member of the Board.

(a) A funeral director licensed prior to July 1, 2014, or a funeral service practitioner must maintain at all times within each funeral establishment owned, managed or controlled by him, a preparation room furnished with a sanitary floor of either tile, vinyl, inlaid linoleum, or other impervious flooring material; sufficient drainage and forced air ventilation, a sanitary embalming table, and the other furnishings and instruments as are required for the proper care and preparation of a dead human body. If a hydro aspirator is in use in the preparation room, the hydro aspirator must have a vacuum breaker attached thereto.

(b) All hearses and first call or removal vehicles and the equipment therein shall be kept clean and sanitary and free from deleterious odors at all times.

(c) All funeral establishments must stock a minimum of six (6) adult caskets of varying degrees of price and quality for sale and must also have on hand at least one each of shipping containers, and alternative containers for cremation.

Section 2. Consumer Protection. A funeral director or funeral service practitioner who violates Wyoming Statutes relating to consumer protection, Sections 40-12-101, et seq., or consumer credit, Section 40-14-101, et seq., or any other statute of the State pertinent to the practice of funeral service shall be subject to revocation or suspension of his license.

Section 3. Itemized Prices, Written Disclosure Statements, and Cash Advances. The Board hereby adopts the Federal Trade Commission's funeral service rule of April 30, 1984, along with the Federal Trade Commission's amended federal service rule of July 19, 1994, with regard to itemized prices, written disclosure statements, and cash advances.

Section 4. Embalming Practice.

(a) The use of embalming fluids, hardening compounds and preservatives for the preparation of human remains, containing mineral poisons, is strictly prohibited in the State of Wyoming.

(b) Every person while actually engaged in embalming a dead human body shall be attired in a clean and sanitary smock, gown, or apron covering the person from the neck to below the knees, and shall while so engaged, wear rubber impervious gloves. The dead human body shall not be allowed to remain unnecessarily nude or indecently exposed at any time during the embalming operation or while reposing in the preparation room.

(c) Every preparation room shall be stocked or furnished with proper and convenient receptacles for refuse, bandages, cotton and other waste materials. All such discarded items shall be destroyed by incineration or other sanitary means.

(d) Every preparation room shall be kept and maintained in a clean and sanitary condition and all embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming dead human bodies shall be thoroughly cleaned and disinfected after use.

(e) The bodies of those who have died of a contagious communicable infectious disease shall not be transported nor accepted for transportation unless prepared by being thoroughly disinfected and embalmed by:

(i) Arterial and cavity injection with an effective disinfecting and embalming fluid;

(ii) Disinfecting and stopping all orifices with dry, absorbent cotton;

(iii) Washing the human remains with a disinfectant.

(f) Those who have died in such a manner as to prevent arterial and cavity embalming, and were infected with a communicable disease at the time of death, must be hypodermically and topically treated with an effective disinfecting and preserving fluid and/or powder. The human remains must then be placed in a container which is resistant to the flow of air and fluids, a disaster pouch being the minimum container with a zipper sealed with a good sealant.

(g) Bodies which are badly burned, mangled or mutilated to the a degree that they cannot be embalmed by conventional arterial and cavity embalming, shall be treated by hypodermic injections and topical applications of strong disinfectants and preservatives. After the treatments, they shall be placed in a container which resists the flow of air and fluids, a minimum of a disaster pouch. Before transportation is made by common carrier, the minimum container must be placed in a shipping container or regular casket to prevent the minimum container from being damaged during shipment.

Section 5. Requirement for Cremation, Chemical Disposition, Burial, Embalming or Refrigeration. All bodies in possession of the funeral service practitioner or funeral director must be properly refrigerated, cremated, chemically disposed, buried, or embalmed within thirty-six (36) hours after receipt thereof. No dead human body may be cremated or chemically

disposed of in under twenty-four (24) hours without the written permission of the county coroner of the county in which the death occurred.

Section 6. Requirement for Shipment of Bodies out of Wyoming. No human remains may be removed from the state of Wyoming by a funeral service practitioner of another state without first obtaining the services of a permitted Wyoming funeral establishment, for the purpose of the filing of a death certificate and obtaining a burial-transit permit.

(a) Bodies dead of communicable diseases which could present a public health risk to the funeral service practitioner, other persons handling the dead human body, or to persons in attendance at a funeral service must be embalmed prior to removal from this state.

(b) Bodies dead of causes other than from communicable diseases may be removed from this state unembalmed if they are:

(i) Placed in a container which is resistant to the flow of fluids and air, a minimum of which would be a disaster pouch;

(ii) If shipment will take place after thirty-six (36) hours from the time of death, then the dead human body must be refrigerated or embalmed before shipment.

Section 7. Requirements for Bodies Being Shipped into Wyoming. Dead bodies may be shipped into the state to a licensed funeral service practitioner under the following conditions:

(a) Bodies dead of causes other than communicable diseases may be shipped into this state unembalmed if they are incased in a container which is resistant to the flow of air and fluids, a minimum of which would be disaster pouch, and the bodies will be buried, cremated, chemically disposed, refrigerated or embalmed within thirty-six (36) hours of death.

(b) Bodies dead of communicable diseases which could present a public health risk to the funeral service practitioners, other persons handling the dead human body, or to persons in attendance at the funeral service must be embalmed before they are brought into this state.

Section 8. Requirements for Bodies shipped to Foreign Countries. All dead human bodies being shipped into any foreign country must be prepared and shipped in accordance with the laws, rules and regulations of the country to which that dead human body is being shipped.

Section 9. Burial when Death Caused by Communicable Disease.

(a) It shall be the responsibility of the funeral service practitioner, apprentice or removal person to ascertain the cause of death prior to removal from the place of death. If the person has died from a potentially infectious disease, the funeral service practitioner shall follow the recommendations of the state health officer in regards to permissible types of disposition.

(b) Procedure for removal. It shall be the duty of any licensee caring for the body of a person who had died of a potentially infectious disease proceed in the following manner: At the

time of the first visit to the location where the deceased is found, the licensee shall cause the dead human body to be placed in a container which is resistant to the flow of air and fluids.

CHAPTER 5

FUNERAL ESTABLISHMENT

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association or corporation desiring to operate a funeral establishment in the state of Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the funeral establishment.

Section 2. Qualifications for Permit. An applicant for a permit to operate a funeral establishment in Wyoming must:

(a) Be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a licensed funeral establishment;

(i) If the applicant is an organization, shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the funeral establishment;

Section 3. Application Procedures. An applicant for a permit to operate a funeral establishment shall submit the following:

(a) A complete and notarized application that includes:

(i) The name of licensed funeral service practitioner responsible for the funeral establishment;

(ii) The location of the funeral establishment;

(iii) Names of all employees of the funeral establishment.

(b) Application fee;

(c) Inspection report, completed and signed by the Board or its designee.

CHAPTER 6

CREMATORY OR CHEMICAL DISPOSITION FACILITY

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association or corporation desiring to operate a crematory or chemical disposition facility in the state of Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the crematory or chemical disposition facility.

Section 2. Qualifications for Permit. An applicant for a permit to operate a crematory or chemical disposition facility in Wyoming must:

(a) Be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a permitted funeral establishment;

(i) If the applicant is an organization, shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility;

(b) Hold a chemical disposer license if applying for a chemical disposition facility permit. A licensed funeral service practitioner may obtain a chemical disposer license by submitting the following:

(i) A complete and notarized official application form accompanied by the application fee; and

(ii) Evidence of training.

(c) Evidence of training:

(i) The applicant has completed training in performing cremation services and received a certification by a reputable organization approved by the Board;

(ii) The applicant has completed training in performing chemical disposition services and received a certification by a reputable organization approved by the Board.

(iii) All individuals holding a funeral service practitioner license as of July 1, 2014 who are not certified to operate a crematory or dissolution chamber shall have one year to obtain certification.

(iv) New licensees shall be certified prior to being allowed to operate a crematory or dissolution chamber.

Section 3. Application Procedures. An applicant for a permit to operate a crematory or chemical disposition facility shall submit the following:

- (a) A complete and notarized application that includes:
 - (i) The name of licensed funeral service practitioner responsible for the crematory or chemical disposition facility;
 - (ii) The location of the crematory or chemical disposition facility;
- (b) Application fee;
- (c) Inspection report, completed and signed by the Board or its designee.

Section 4. Crematory or Chemical Disposition Facility. The funeral service practitioner listed on the crematory or chemical disposition permit is responsible for the maintenance, employee training, and safe operation of cremator or dissolution equipment used in cremations or chemical disposition.

- (a) All crematory or chemical disposition facilities shall be kept and maintained in a clean and sanitary condition and all appliances used in the preparation for cremation or dissolution of dead human bodies shall be thoroughly cleaned after each use.
- (b) When the crematory or chemical disposition facility is unable to cremate or dissolve the human remains immediately upon taking custody, the human remains shall be placed in a holding area which shall be marked “Private” or “Authorized Personnel Only”.
- (c) If the human remains are not embalmed, they shall not be held longer than twenty-four (24) hours from the time of possession to cremation or dissolution without refrigeration.
- (d) A crematory or chemical disposition facility shall be inspected by the Board or its designee during business hours at least once each year.
- (e) A crematory or chemical disposition facility shall comply with all local building codes, environmental standards and applicable state and local regulations.

Section 5. Cremation Casket/Container.

- (a) The crematory facility, at its discretion, has the right to remove noncombustible materials such as handles or rails from caskets or containers prior to cremation and to discard them with similar materials from other cremations and other refuse in a non-recoverable manner, placed in a storage area not available to the public view.

Section 6. Chemical Disposition Facility. Chemical disposition facilities using alkaline hydrolysis for dissolution must comply with the following requirements:

- (a) The licensed funeral service practitioner must only employ a purpose-built vessel as a dissolution chamber.

(b) Dissolution systems which operate above atmospheric pressure must only employ an American Society of Mechanical Engineers (ASME) certified pressure vessel as a dissolution chamber.

(c) The dissolution system must use parameters of heat, time and solution circulation sufficient to achieve complete dissolution of all tissue remains.

(d) The licensed funeral service practitioner must ensure that the discharge liquid that is a byproduct of the dissolution process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.

Section 7. Cremation or Chemical Disposal of Human Remains. The funeral service practitioner or other person having charge of the preparation of the human remains for burial or the last rites and committal services thereof shall have the right to be present either in person or by his employees, at any stage of the cremation or dissolution of the human remains. Unauthorized persons may not be permitted in the retort area while any human remains are awaiting cremation or dissolution, in the process of cremation or dissolution, or being removed from the cremation or dissolution chamber.

(a) No crematorium or chemical disposition facility shall accept human remains for cremation or dissolution until it has received a burial-transit permit required by law and an authorization for cremation or dissolution signed by the nearest legal next of kin.

(b) Upon completion of the cremation or dissolution process, all residual of the cremation or dissolution process shall be removed from the cremation or dissolution chamber and the chamber swept clean. The residual remains shall be placed within a container or tray in such a way that will ensure against commingling with other cremated or chemically processed remains. The identifier shall be attached to the container or tray to await final processing. All residual of the cremation or dissolution process shall undergo final processing.

(c) Should the cremated or chemically processed remains not adequately fill the container's interior dimensions, the extra space may be filled with packing material that will not become intermingled with the cremated or chemically processed remains and then securely closed.

(d) The outside of the container used to return the cremated or chemically processed remains shall be clearly identified with the name of the deceased person whose cremated or chemically processed remains are contained therein.

(e) If the cremated or chemically processed remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent must be packed securely in a suitable, sturdy, pressure resistant, and properly sealed container.

(f) Cremated or chemically processed remains may be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting the delivery.

Section 8. Identification. The licensed funeral service practitioner is responsible for the identification of cremated or chemically processed remains as delivered and identified by the deliverer. A crematory or chemical disposition facility may not accept unidentified human remains.

(a) The licensed funeral service practitioner shall see that an identifying metal disc is attached to each receptacle containing human remains. When human remains are to be cremated or chemically processed, the disc shall be secured to the top of the head end of the casket or alternate container, or, when no receptacle is used, to the human remains.

(b) The identifying metal disc shall accompany the human remains through the cremation or dissolution process.

(c) The identifying metal disc shall be held on the inside of the cremator or dissolution chamber until the body of the deceased is cremated or chemically processed and the cremated or chemically processed remains are placed in a container as directed by these rules and applicable law. The disc shall then be placed inside the urn, or in the case of a temporary urn, on the outside of the temporary urn.

(d) The identifying metal disc shall be properly secured to a receptacle containing cremated or chemically processed remains.

Section 9. Removal of Human Remains. Human remains delivered to a crematorium or chemical disposition facility shall not be removed from the casket or other container without the written authorization of the person giving the consent to or requesting the cremation or dissolution of the human remains.

Section 10. Records of Crematories or Chemical Disposition Facilities. Upon the receipt of human remains for cremation or dissolution, the crematory or chemical disposition facility shall deliver to the funeral service practitioner or his agent who delivers the human remains to the crematory or chemical disposition facility, a receipt showing the date of delivery, name and signature of the funeral service practitioner from whom the human remains are received and the name of the deceased. Each crematory or chemical disposition facility shall maintain a record of each cremation or dissolution of human remains disclosing the name of the person cremated or chemically processed, the name of the person authorizing the cremation or dissolution, the date the human remains were received, the date the cremation or dissolution was performed and such other information as the Board may require. The record shall be kept at the crematory or chemical disposition facility for inspection by the Board which may also require copies thereof to be filed with it containing the information as may be necessary for the use of the Board.

Section 11. Prohibitions.

(a) Removing or possessing dental gold or dental silver from deceased persons is prohibited.

(b) Human remains may not be cremated with a pacemaker or other potentially hazardous implant, including any toxic or explosive-type sealed implants, in place. The authorizing agent is responsible for disclosing the existence of any pacemakers or other hazardous implants.

(i) Medical devices and implants will not create adverse effects during chemical dissolution. Items such as titanium implants and pacemakers can be recovered for recycling at the conclusion of the process.

(c) The unauthorized, simultaneous cremation or dissolution of human remains of more than one (1) person within the same cremation or dissolution chamber is prohibited unless the crematory or chemical disposition facility has received express written authorization from all appropriate authorizing agents for the human remains to be cremated or chemically processed simultaneously. A written authorization exempts the crematory or chemical disposition facility from liability for commingling of the product of the cremation or dissolution process provided the authorization is complied with.

(d) No licensed funeral service practitioner may refuse to release cremated or chemically processed remains to the authorized agent.

(e) It is prohibited to cremate or chemically process fetuses, limbs, and body parts from private or public health agencies, medical doctors or colleges and universities without appropriate permits and releases. Copies of such permits and releases shall remain with the crematory or chemical disposition facility.

(f) Cremation or dissolution of animals or pets of any type, is strictly forbidden in a crematory or chemical disposition facility designed for the cremation or dissolution of human remains.

CHAPTER 7

RENTAL OR LEASED CASKETS

Section 1. Disclosure. A funeral director or funeral service practitioner offering a rental casket to the public shall disclose that the casket is a rental casket by a clear notation on the “Statement of Funeral Goods and Services Selected”. If the rental casket is displayed with other caskets in a display room, clear notation shall be placed on the casket price card indicating that the casket is a rental casket. A rental casket shall not be represented or offered to the public as a new casket.

Section 2. Sanitation. A funeral director or funeral service practitioner shall insure that a rental casket which is used for viewing or funeral services is maintained in a sanitary condition for reuse by taking any of the following measures:

(a) A plastic sheet or other impervious inner lining shall be used to prevent contamination during use; or

(b) All mattresses, paddings, pillows and linings which contact the human remains shall be removed and replaced with new materials after each use; or

(c) A removable and disposable inner casket box may be used each time the casket is in rental. An inner casket box, or portion thereof, shall not be reused. Human remains which have been placed in an inner casket box shall not be allowed to come in contact with any permanent part of a rental casket. Should the human remains come in contact with a permanent part, the casket shall be disposed of properly.

CHAPTER 8

FEES

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the Board's authority to determine and collect reasonable fees in an amount to cover the cost of administration.

Section 2. General.

(a) Fees shall be paid in the exact amount, by money order or cashier's check, and shall be paid in advance of services rendered. Fees for renewal of license may be paid by personal check or business check;

(b) All fees collected by the Board are non-refundable, regardless of the outcome;

Section 3. Fees. Services for which the Board charges a fee shall include but not be limited to the following:

(a) Initial License or Permit

(i)	Funeral Service Practitioner License:	\$125.00
(ii)	Apprentice Funeral Service Practitioner License:	\$ 75.00
(iii)	Chemical Disposer	\$ 75.00
(iv)	Annual Non-resident Permit:	\$400.00
(v)	Occasional Non-resident Permit:	\$200.00
(vi)	Funeral Establishment Permit w/inspection:	\$150.00
(vii)	Crematory Permit w/inspection	\$125.00
(viii)	Chemical Disposition Facility Permit w/inspection:	\$125.00

(b) Annual Renewal

(i)	Funeral Service Practitioner:	\$125.00
(ii)	Apprentice:	\$ 75.00
(iii)	Funeral Director:	\$200.00
(iv)	Funeral Establishment:	\$200.00

	(v)	Crematory:	\$200.00
	(vi)	Chemical Disposition Facility:	\$200.00
	(vii)	Chemical Disposer:	\$ 75.00
	(viii)	Late Renewal, all types:	Double Annual Renewal Fee
(c)		Miscellaneous	
Change of Owner or Director:	(i)	Funeral Establishment, Crematory, or Chemical Disposition Facility	\$ 75.00
Change:	(ii)	Funeral Establishment, Crematory, or Chemical Disposition Facility Name	\$ 10.00
Location Change w/inspection:	(iii)	Funeral Establishment, Crematory, or Chemical Disposition Facility	\$ 85.00
	(iv)	License or Permit Verification to Another Jurisdiction:	\$ 10.00
	(v)	Duplicate Wall Certificate or Pocket Card:	\$ 10.00
	(vi)	Special Examination Meeting:	\$500.00

CHAPTER 9

RENEWAL

Section 1. Expiration of License and Permit. All licenses and permits, with the exception of annual or occasional permits, expire on February 1st of each year.

Section 2. Renewal Notice. By January 1st of each year, the Board office shall mail a notice to each licensee at his last address of record, that his renewal fee is due and payable. Failure to receive notice and application for renewal of license or permit from the Board office does not excuse a license or permit holder from the requirement for renewal under the Act and these rules.

Section 3. Continuing Education. As a prerequisite to license renewal, each licensee shall complete a minimum of eight (8) hours of continuing education coursework during the license period.

(a) College classes, seminars, or workshops sponsored by professional associations in areas related to funeral service will generally qualify for continuing education if the education contributes to the professional competence and knowledge of the funeral service practitioner.

(b) Continuing education credit may be obtained by licensees through completion of online courses or attendance at those continuing education courses which have been approved by the Board.

(i) Each semester hour of college credit shall equal fifteen (15) hours of continuing education. A quarter hour shall equal ten (10) hours of continuing education.

(c) Unless disqualified by action of the Board, courses offered by the following providers are approved for continuing education credit:

(i) Local, state or federal government agencies;

(ii) Regionally accredited colleges and universities;

(iii) Board-recognized national, regional, state and local associations or organizations as follows:

(A) National Funeral Directors Association and state chapters;

(B) National Funeral Directors and Morticians Association and state chapters;

(C) Cremation Association of North America;

(D) American Board of Funeral Service Education;

(F) International Conference of Funeral Service Examining Boards;

(G) Wyoming Funeral Directors Association; and

(H) Other similar associations or organizations as approved by action of the Board.

(e) Continuing education credit allowed under these regulations will not be allowed for repeated presentations by the licensee unless the presentation has been substantially revised.

(f) Licensees may not carry-over continuing education hours from one licensing period to the next.

(g) A licensee who fails to obtain the required number of continuing education hours prior to the expiration date appearing on the license shall be denied renewal.

(h) A licensee who fails to obtain the required number of continuing education hours prior to the expiration date of their license shall not engage in any activity which requires a license until or unless the Board renews the license after the licensee demonstrates that all requirements for renewal, including the continuing education requirements and payment of all applicable late fees, have been met.

(i) Those licensed for less than one (1) year shall complete one hour of continuing education for every two (2) months of time they will be licensed in that year. If a person will be licensed for an odd number of months, the number of hours required is rounded up to the next highest hour. Being licensed for fourteen (14) days in a month shall constitute an entire month's requirement of continuing education.

(j) The Board shall periodically select a sample of licensees and may request supporting evidence for their continuing education. It is the licensee's responsibility to maintain supporting documentation of the continuing education taken during the renewal period.

Section 4. Late Renewal.

(a) A license or permit not renewed on or before February 1 has expired and the holder may not lawfully practice in Wyoming.

(b) An expired license or permit may be renewed within thirty (30) days of expiration upon receipt of a completed renewal form, payment of the late renewal fee and completion of continuing education.

(c) An individual who has failed to have a license or permit renewed within thirty (30) days of the February 1 expiration date must meet the requirements of new licensure as provided in Chapter 2 and shall not engage in any activity which requires a license until the Board approves issuance of a new license.

CHAPTER 10

SUSPENSION, REVOCATION OR DENIAL OF LICENSE

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to establish prohibited acts regarding the funeral service practice in the State.

Section 2. Suspension, Revocation and Denial of Licenses and Other Disciplinary Sanctions. In addition to prohibited acts set forth in the Act, the Board may suspend, revoke or deny licenses or permits and take other disciplinary action for any of the following reasons:

- (a) Immoral, unprofessional or dishonorable conduct;
- (b) Harassment, intimidation or abuse, sexual or otherwise, of a customer, co-worker, or employee;
- (c) Practicing outside the areas of professional competence as established by education, training and experience;
- (d) Gross negligence in funeral service practice;
- (e) Exercising undue influence to exploit a customer, co-worker, or employee for financial or other personal advantage to the funeral service practitioner or a third party;
- (f) The suspension or revocation by another jurisdiction of a license to practice funeral service. A certified copy of the order of suspension or revocation shall be conclusive evidence thereof;
- (g) Refusal to appear before the Board after having been ordered to do so in writing by the Executive Director or President of the Board;
- (h) Failure to meet the requirements for licensure set forth herein;
- (i) Conviction of any crime or offense that reflects the inability of the funeral service practitioner to practice funeral service with due regard for the health and safety of the public;
- (j) Violation of a Board decision or Order.

CHAPTER 11

COMPLAINT PRACTICE AND PROCEDURE

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to conduct investigations, hearings and proceedings regarding alleged violations of the Act or other Board Rules.

Section 2. Complaints. All complaints against a licensee shall be filed with the Board in writing and should contain:

- (a) Name and address of licensee;
- (b) Name, address and telephone number of complainant;
- (c) Nature of alleged violations;
- (d) A short and concise statement of facts relating to the alleged violations; and
- (e) Signature of complainant.

Section 3. Investigation.

(a) The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is deemed necessary, the Board shall assign the complaint to an Investigative Board Member (IBM).

- (b) Upon completion of the investigation, the IBM may:
 - (i) Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;
 - (ii) Recommend the Board reprimand the licensee; or
 - (iii) Recommend the Board dismiss the complaint.
- (c) The Board may resolve a complaint at any time by:
 - (i) Sending a written letter of warning to the licensee;
 - (ii) Accepting a voluntary surrender of a license;
 - (iii) Accepting conditional terms for settlement;
 - (iv) Dispensing with it in an informal manner; or

- (v) Dismissal.

Section 4. Notice and Opportunity to Show Compliance. Prior to commencing formal proceedings to refuse to renew, suspend or revoke the license or permit of an alleged offender, the Board shall give notice by mail to the licensee and an opportunity to show compliance with all lawful requirements for retention of the license within ten (10) days of receipt of the notice.

Section 5. Hearing Officer. The Board may employ and secure a hearing officer to assist and advise the Board in the conduct of a hearing and the preparation of recommended findings of fact, conclusions of law and order.

Section 6. Service of Notice and Formal Complaint. The IBM shall serve a Notice and Complaint by mail at least thirty (30) days prior to the date set for hearing. It shall be sent by certified or registered mail with return receipt to the licensee's known address.

Section 7. Answer or Appearance. The licensee shall file an Answer or Notice of Appearance, which shall be received by the Board at least three (3) working days prior to the date set for hearing in the matter.

Section 8. Default. In the event of the failure of a licensee to answer or otherwise appear within the time allowed, a default shall be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an order of the Board entered accordingly.

Section 9. Contested Case Hearings.

(a) The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearing rules for contested cases.

(b) All testimony shall be recorded verbatim by a competent reporter or by electronic recording devices. If the written transcript is prepared at the request of a party, the cost of the transcript shall be paid by the party making the request, unless the Board for good cause shown waives assessment of such costs.

Section 10. Appeals.

(a) Appeals from Board decisions are governed by the Wyoming Administrative Procedure Act and Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.