



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			
b. Agency/Board Address	c. City	d. Zip Code	
e. Name of Contact Person	f. Contact Telephone Number		
g. Contact Email Address	h. Adoption Date		
i. Program			

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 Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.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:		
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
d. <input type="checkbox"/> 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:		

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**:

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**:

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**:

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:
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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**:

b. Date on which final rules were sent to the **Legislative Service Office**:

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual (<i>Blue link as per Rules on Rules, Section 7</i>)	
Printed Name of Signatory	
Signatory Title	
Date of Signature	

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@wyoleg.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.



Additional Rule Information

Revised May 2014

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Description		

2. Rule Information, Cont.

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

If Needed

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

The Wyoming Board of Funeral Service Practitioners proposes repealing the Board of Embalmers rules in their entirety. In 2014, the legislature eliminated the Board of Embalmers, replacing it with the Board of Funeral Service Practitioners. 2014 Wyo. Sess. Laws 187-206. That enactment provided that the Board of Embalmers rules would be in effect “until amended or repealed by the board of funeral service.” *Id.* at 206. Accordingly, the Board of Funeral Service Practitioners has authority to repeal the existing Board of Embalmer rules. The Board of Funeral Service Practitioners’ rules and regulations, Chapters 1 – 11, were approved by Governor Mead and went into effect January 8, 2015. Accordingly, the Board of Embalmers’ rules are no longer necessary.

Board of Embalmers repealed rules are as follows:

CHAPTER 1: General Authority. Repealed.

CHAPTER 2: Funeral Directors License Requirements. Repealed.

CHAPTER 3: Practice of Funeral Directing. Repealed.

CHAPTER 4: Embalmer License Requirements. Repealed

CHAPTER 5: Practice of Embalming. Repealed.

CHAPTER 6: Crematories. Repealed.

CHAPTER 7: Issue and Renewal of License. Repealed.

CHAPTER 8: Fees. Repealed.

CHAPTER 9: Burial, Permit, Death Certificate, Embalming for Transportation, and Transportation of Dead Human Bodies. Repealed.

CHAPTER 10: Pursuing Prosecution for Violations. Repealed.

CHAPTER 11: Complaints: Practice and Procedure. Repealed

CHAPTER 12: Reinstatement of License After Suspension or Revocation. Repealed.

CHAPTER 13: Information Practices. Repealed.

APPENDIX: Wyoming Statutes 33-16-101 through 33-16-409. Repealed.

Matthew H. Mead, Governor



State of Wyoming

CHAPTER 1

GENERAL AUTHORITY

Repealed.

CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. The Wyoming State Board of Embalming, pursuant to W.S. 33-16-206, 33-16-301(e), 33-16-310(a) and 33-16-403, is authorized to adopt and promulgate rules and regulations whereby the performance of the duties of the Board and the practice of embalming, transportation and disposition of dead human bodies shall be regulated.

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 embalmers, funeral directors or operators of crematories;
- (b) Developing and applying appropriate techniques, including examinations and investigations, for determining whether an individual meets the standards;
- (c) Issuing licenses to qualified individuals who have met required standards and suspending or revoking licenses issued by the Board in any case where the licensee is determined to have failed to conform to the requirements of standards;
- (d) Establishing and carrying out procedures designed to insure that licensees 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 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 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 by Statute. Terms defined in W.S. 33-16-101 *et seq.* shall have the same meaning when used in these regulations unless the context or subject matter clearly requires a different interpretation.

Section 5. Terms Defined Herein. As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

(a) "Act" means W.S. 33-16-101 ~~et seq.~~, relating to embalmers, funeral directors and crematories.

(b) "Approved school of embalming" means a school of embalming which has a "Grade A" standing recognized by the Conference of Funeral Service Examining Boards of the United States, Inc.

(c) "Board" shall mean the Wyoming State Board of Embalming.

(d) "Crematory" shall mean a building or structure, or a portion thereof, containing one (1) or more retorts for reduction of the bodies of deceased persons to cremated remains.

(e) "Undertaker" shall mean funeral director.

Section 6. Board. The Board shall elect one (1) of its members as president and one (1) of its members to act as secretary and treasurer who shall be the executive officer of the Board in matters relating to the duties of the Board when the Board is not in session. The duties of the Board officers are as follows:

(a) The President shall preside at all meetings of the Board, call special meetings, administer oaths and perform the other duties as may pertain to his office.

(b) The Secretary shall collect all fees and renewals, giving a receipt therefore and shall make record of all forfeited, revoked and expired vouchers after reviewing them for payment of regular Board expenses, keep a record of all meetings of the Board, turn over to the State Treasurer quarterly, all moneys received, and perform all the duties pertaining to the office. The Secretary may assign any of these duties to support staff. The Secretary shall serve in the President's absence or inability to act. When acting in this capacity, the duties shall be the same as the President.

Section 7. Board Meetings.

(a) The Board shall meet at least once annually to transact its business. This meeting shall be designated as the annual meeting for the purpose of electing officers, establishing dates of Board meetings for the coming year and Board reorganization and planning. The Board may meet at other times as deemed necessary to transact its business.

(b) Notice of Board meetings shall be given to any person who requests notice. The notice shall specify the time and place of the meeting and the business to be transacted.

(c) All meetings shall be open to the public. The Board may conduct executive sessions in accordance with W.S. 16-4-105.

(d) A written record shall be kept of all meetings and shall be retained as the permanent record of the transactions of the Board.

~~(e) For the purposes of conducting business, three (3) or more members must be present for any meeting of the Board, one of which must be the President, or the Secretary in absence of the President.~~

Repealed.

CHAPTER 2

FUNERAL DIRECTORS LICENSE REQUIREMENTS

Repealed.

CHAPTER 2

FUNERAL DIRECTORS LICENSE REQUIREMENTS

Section 1. License Required. No person shall engage in the business of a funeral director, unless first licensed so to do by the Board.

Section 2. Qualifications for License.

(a) The applicant, unless an association, corporation or partnership, must be an adult and of good character.

(b) The applicant, when an association, corporation or partnership, must have as an active officer or manager, an adult person who is of good character.

(c) Each applicant, and when the applicant is an association, corporation or other organization, the officer or employee who is to manage, direct or control a proposed funeral establishment, shall pass an examination before the Board, upon the following subjects:

(i) The signs of death;

(ii) The manner by which death may be determined;

(iii) The Wyoming laws and Board Rules and Regulations governing the preparation, burial and disposal of dead human bodies, and the shipment and handling of bodies dead from infectious or contagious diseases;

(iv) Local health and sanitary ordinances and regulations relating to funeral directing and embalming.

(d) Each applicant shall furnish proof satisfactory to the Board that the funeral establishment in which the applicant intends to conduct business as a funeral director is or will be constructed, equipped and maintained in all respects as a funeral establishment as defined in W.S. 33-16-301(b).

(e) Each applicant who holds or held a license as a funeral director issued by another jurisdiction also must provide proof satisfactory to the Board that the license held is or was in good standing.

Section 3. Application Procedures. A complete application must be received and accepted by the Board at least thirty (30) days prior to the scheduled administration of the examination or the applicant will be required to wait until the next administration of the exam. If the applicant proposes to engage in or operate more than one (1) funeral establishment, the applicant must make a separate application and procure a separate license for each separate location. The following documents are required for a complete application:

(a) A complete and notarized official application form accompanied by the appropriate fee.

(b) References from three (3) professionals familiar with the applicant which address the applicant's abilities and professional performance.

(i) References must have been written within six (6) months of the date of application.

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

(iii) All references submitted in support of the application must contain an original signature and be submitted directly to the office of the Board from the respondent and not forwarded through the applicant.

(c) The Board may accept faxed or photocopied documents followed in the mail by the original.

Section 4. Examination. Examinations shall be given at the regular meeting of the Board, provided, however, a special meeting may be called for that purpose and all expenses of a special examination shall be paid by the person(s) requesting the special examination meeting. These expenses shall include transportation and per diem for each Board Member following State rules as to per diem rates and transportation costs.

(a) The examination shall be a written examination consisting of at least fifty (50) questions on the subjects listed in Section 2.

(b) A grade of at least seventy five percent (75%) on this written examination shall constitute a passing grade.

Section 5. Investigation of Applicants for License; Granting or Refusing License. Upon receipt of an application for a license hereunder the Board shall cause an investigation to be made as to the character of the applicant, including its officers or members, if the application is by or in behalf of an association, corporation or partnership, and may require the showing as will reasonably prove the good character of the applicant; may subpoena witnesses, administer oaths upon proper notice and after proper hearing, shall grant a license if the Board finds that the applicant is of good character, and that the proposed funeral establishment is, or will be, constructed and equipped as required by W.S. 33-16-301. Every application must be granted or refused within ninety (90) days from the date of the filing of the application in case a hearing is held.

Section 6. Change of Location. A funeral director may conduct a funeral in another licensed establishment or at a church, home, public hall or lodge room without filing an application for change of location with the Board.

Section 7. Assignment of License. A funeral director's license may be assigned after a showing to the Board that the proposed assignee possesses all the qualifications for a license as a funeral director. The assignee may renew a license. A fee as established by the Board pursuant to W.S. 33-1-201, must accompany each application for assignment.

Section 8. Temporary License. Only in the case of the death of a licensed funeral director as defined in W.S. 33-16-301 through 33-16-317, as part or all of his estate, the Board may issue a temporary license as a funeral director to the legal representative of the deceased funeral director.

- (a) The legal representative must submit the documents as required for a regular license.
- (b) The legal representative must be of good character.
- (c) The temporary license shall be issued for the duration of the administration of the estate, but in no case to exceed two (2) years.
- (d) The fees for issuance and renewal of the temporary license and the time of payment are the same as those required for regular license.

Repealed.

CHAPTER 3

PRACTICE OF FUNERAL DIRECTING

Repealed.

CHAPTER 3

PRACTICE OF FUNERAL DIRECTING

Section 1. Statement of Purpose. These rules and regulations are promulgated to ensure the qualifications of a person, partnership, corporation, association or other organization engaged in or conducting the business of or holding themselves or itself out as engaged in:

- (a) Preparing or contracting to prepare by embalming or in any other manner dead human bodies for burial or disposal, or directing and supervising burial or disposal of dead human bodies;
- (b) Providing for or maintaining a funeral establishment or a place for the preparation, disposition and care of dead human bodies; or
- (c) Directing or supervising, or contracting to direct or supervise funerals; or
- (d) Connecting with their or its name or funeral establishment or business use the words "funeral director" or "undertaker" or "mortician" or any other title implying that they or it is engaged in the business of "funeral directing" or "undertaking" as defined.

Section 2. Funeral Directing Establishment. The business of a funeral director shall be conducted in a specific place. Not more than one (1) person engaged in business as a funeral director shall transact business in one (1) specific funeral establishment. Notwithstanding the foregoing or any other provision of W.S. 33-16-301 through 33-16-317, any person licensed to bury dead human bodies in any other state may bury and conduct services in Wyoming for any person who died outside the state of Wyoming without obtaining a license from the Board.

Section 3. Services Conducted by Persons Licensed in Other States. Any person who is licensed in another state may conduct funeral or burial services in Wyoming without obtaining a license from the Board if:

- (a) The deceased died outside of the state of Wyoming;
- (b) The Board is provided prior written notice of services;
- (c) The Board is provided verification of a license in good standing for the person desiring to perform the services, from the state of licensure; and
- (d) The provider complies with the requirements of W.S. 33-16-310(a)(ii)(J), (M), (O) and (Q) and 33-16-315.

Section 4. 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 and Secretary 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 to 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 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 funeral director uses a hydro aspirator in the preparation room, the hydro aspirator must have a vacuum breaker attached thereto.
- (b) All hearses and first call or pickup cars 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, alternative containers for cremation, and if required by the local cemetery, the minimum outside burial container.

Section 5. Leased Caskets.

- (a) Disclosure. A funeral director offering a leased casket to the public shall disclose that the casket is a leased casket by a clear notation on the "Statement of Funeral Goods and Services Selected". If the leased 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 leased casket. A leased casket shall not be represented or offered to the public as a new casket.
- (b) Sanitation. An unembalmed dead human body shall not be placed in a leased casket, except if the leased casket is to be used as a container in a direct disposition cremation. A funeral director shall insure that a leased casket which is used for viewing or funeral services is maintained in a sanitary condition for reuse by taking any of the following measures:
 - (i) A plastic sheet or other impervious inner lining shall be used to prevent contamination during use; or
 - (ii) All mattresses, paddings, pillows and linings which contact the dead human body shall be removed and replaced with new materials after each use; or
 - (iii) A removable and disposable inner casket box may be used each time the casket is leased. An inner casket box, or portion thereof, shall not be reused. A dead human

~~body which has been placed in an inner casket box shall not be allowed to come in contact with any part of a leased casket.~~

~~(c) Disposal. A leased casket may be destroyed or disposed of by cremation with a dead human body. If cremated, the leased casket shall not be resold for an amount which exceeds the leased price of the casket. A leased casket shall not be used for burial or shipping purposes at any time.~~

Section 6. Consumer Protection. A funeral director 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 embalming or funeral directing shall be subject to revocation or suspension of his license.

Section 7. 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.

Repealed.

CHAPTER 4

EMBALMER LICENSE REQUIREMENTS

Repealed.

CHAPTER 4

EMBALMER LICENSE REQUIREMENTS

Section 1. License Required. No individual shall perform any function specifically authorized for an embalmer, nor function as an embalmer nor represent themselves as an embalmer unless licensed by the Board.

Section 2. Qualifications for License.

- (a) The applicant must be an adult and of good character.
- (b) The applicant must be a high school graduate or equivalent.
- (c) The applicant must have completed twenty eight (28) semester hours at a regionally accredited college or university.
- (d) The applicant must be a graduate of a Board approved school of embalming.
- (e) The applicant must have completed an apprenticeship of two thousand (2,000) hours, including having embalmed twenty five (25) dead human bodies distributed not less than twelve (12) or more than thirty six (36) months, under a licensed embalmer.
- (f) Each applicant shall successfully pass a written examination covering the following subjects:
 - (i) The visceral anatomy of the body,
 - (ii) The action and comparative value of germicides,
 - (iii) The methods of embalming,
 - (iv) The further precautions after embalming to insure safety of the public,
 - (v) The transportation of bodies of those who have died of an infectious or contagious disease,
 - (vi) The dangers of infection and methods of disinfection,
 - (vii) The laws and regulations governing the transportation of dead human bodies,
 - (viii) Such other topics as the Board may, from time to time, see fit to include.
- (g) Each applicant shall successfully pass an oral examination of knowledge of Wyoming state laws, and the Board rules and regulations. The examination may also contain

questions relating to embalming, funeral directing and the other areas as deemed proper by the Board.

(h) Each applicant shall be required to prove to the satisfaction of the Board their proficiency as an embalmer by performing a practical embalming operation on a dead human body in the presence of a member of the Board.

Section 3. Application Procedures. A complete application must be received and accepted by the Board at least thirty (30) days prior to the scheduled administration of the examination or the applicant will be required to wait until the next administration of the exam. The following documents are required for a complete application:

(a) A complete and notarized official application form, including length of time practiced under a licensed embalmer, names of said embalmer or embalmers, and number of bodies embalmed under their personal supervision, accompanied by the appropriate fee.

(b) Letters of recommendation from a legally qualified physician and two (2) reputable 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 and be submitted directly to the office of the Board from the respondent and not forwarded through the applicant.

(c) Official college or university transcript.

(d) Official embalming school transcript.

(e) Official Conference of Funeral Service Examining Boards examination grade score report.

Section 4. Examination. No person shall be permitted to take the Board examination for licensure unless the applicant is within ninety (90) days of completing all statutory requirements of licensure.

(a) The Board shall use the National Board of Examination of the Conference of Funeral Service Examining Boards as the written portion of the Board examination, and may accept the grade scores of the examination given at places outside of the state of Wyoming.

(b) A passing grade of at least 75 percent (75%) is required on the written examination.

(c) An oral examination shall be given at the regular meeting of the Board, provided, however, a special meeting may be called for that purpose and all expenses of a special examination shall be paid by the person(s) requesting the special examination meeting. These expenses shall include transportation and per diem for each Board Member following State rules as to per diem rates and transportation costs.

(d) A grade of at least seventy five percent (75%) on the oral examination shall constitute a passing grade.

(e) Applicants who fail to pass will be entitled to take any examination which may be held by the Board within two (2) years from the date of the first examination.

Section 5. Foreign Embalmers. Applicants who hold a current license issued in another jurisdiction will be considered for licensure if the jurisdiction in which they are licensed has licensure requirements which meet or exceed Wyoming's requirement for original licensure.

(a) Licensure in the other jurisdiction must have been obtained by examination, not by reciprocity from yet another jurisdiction.

(b) The applicant shall have been employed on a full time basis and continuously for a period of one (1) year as a licensed embalmer before making application for a Wyoming embalmers license.

(c) The applicant shall be agreeable to a background check by police agencies for possible violations of laws, revocation of license to embalm and other areas the Board may deem pertinent.

(d) The applicant shall be registered as an apprentice under a Wyoming licensed embalmer at the time of his practical operative embalming examination.

(e) The practical examination shall be performed in front of one (1) or more Board members and the applicant may be asked to embalm more than one dead human body.

(f) A complete application must be received and accepted by the Board at least thirty (30) days prior to the scheduled administration of the examination or the applicant will be required to wait until the next administration of the exam. The following documents are required for a complete application for licensure for a foreign embalmer:

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

(ii) Letters of recommendation from two (2) licensed practitioners of mortuary science and two (2) reputable business persons or professionals who have been personally

~~acquainted with the applicant at least one (1) year, certifying to the applicant's moral character and general standing.~~

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

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

~~(C) All letters of recommendation must contain an original signature and be submitted directly to the office of the Board from the respondent and not forwarded through the applicant.~~

~~(iii) Official college or university transcript.~~

~~(iv) An official embalming school transcript.~~

~~(v) Official Conference of Funeral Service Examining Boards examination grade score report.~~

~~(vi) Verification of qualifications for licensure, and current licensure in good standing in another jurisdiction on a form provided by the Board, submitted directly to the office of the Board from the jurisdiction.~~

Repealed.

CHAPTER 5

PRACTICE OF EMBALMING

Repealed.

CHAPTER 5

PRACTICE OF EMBALMING

Section 1. Requirements for Practice.

(a) 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.

(b) Every preparation room shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials shall be destroyed by incineration or other sanitary means at the conclusion of each case to the end that germs of disease may be destroyed and the public health thereby protected.

(c) 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.

Section 2. Apprentice Embalmer. Any licensed embalmer in the state of Wyoming may have a person serving as an apprentice embalmer under their supervision. Supervision means that the licensed embalmer is in the embalming room generally, and in all cases, in the funeral establishment building while the apprentice is assisting with the preparation of the dead human body.

(a) The licensed embalmer shall assume complete responsibility for all acts and omissions of the apprentice within the scope of the apprenticeship.

(b) A licensed embalmer 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 President and Secretary of the Board. At no time shall a licensed embalmer have more than two (2) apprentices registered under his supervision.

(c) It shall be the responsibility of the licensed embalmer to properly register any apprentice with the Board immediately upon commencement of the apprenticeship period. The licensed embalmer shall report the work which the apprentice has performed during the semi-annual period preceding the first of the month on which the report is made, including the number of bodies the apprentice has assisted in embalming or otherwise prepared for disposition during the period.

(d) No licensed embalmer shall be permitted to supervise an apprentice in the state of Wyoming for a period of more than three (3) years without the apprentice taking the examination for an embalmer's license. In the event the apprentice fails to pass the examination, the Board

may permit the licensed embalmer to supervise the apprentice for a period of not exceeding two (2) additional years after the date of the first examination.

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

Section 3. Requirement for Cremation, Burial, Embalming or Refrigeration. All bodies in possession of the funeral director or embalmer must be properly refrigerated, or cremated, or buried, or embalmed within thirty six (36) hours after receipt thereof. No dead human body may be cremated in under twenty four (24) hours without the written permission of the county coroner of the county in which the death occurred.

Section 4. Requirement for Shipment of Bodies out of Wyoming. No dead human body may be removed from the state of Wyoming by a funeral service practitioner of another state without first obtaining the services of a licensed Wyoming funeral establishment, for the purpose of the filing of a death certificate and obtaining a removal/burial permit.

(a) Bodies dead of communicable diseases which could present a public health risk to the embalmer, 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 which has had the zipper sealed with a good sealant.

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

Section 5. Requirement for Bodies Being Shipped into Wyoming. Dead bodies may be shipped into the state of Wyoming under the following conditions:

(a) Bodies dead of causes other than communicable diseases may be shipped into this state unembalmed if they are encased in a container which is resistant to the flow of air and fluids, a minimum of which would be disaster pouch, with a zipper sealed with a good sealant, and the bodies will be buried, or cremated, or 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 embalmers, other persons handling the dead human body, or to persons in attendance at a funeral service must be embalmed before they are brought into this state.

(c) In all cases, embalmed bodies may be shipped into Wyoming.

Section 6. Requirement for Bodies Being Shipped to Foreign Countries. All dead human bodies being shipped to 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 7. Burial When Death Caused by Communicable Disease.

(a) Notice to local health officer or register. Any licensee having in their care or possession, or who is preparing for burial the body of a person who has died of a communicable disease that could be a public health risk to the embalmer, other persons handling the dead human body, or to persons in attendance of a funeral, shall give immediate notice to the Local Health Officer of the name of the deceased, and place and time of burial.

(b) Procedure for removal. It shall be the duty of any licensee caring for the body of a person who had died of any of the diseases specified in Section 1 to 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. A minimum container would be a disaster pouch with the zipper sealed with collodion or similarly good sealant. Every part of the dead human body shall be enclosed in the container or pouch and not thereafter exposed to view until commencement of arterial and cavity embalming procedure.

(c) Funerals. Public funerals for individuals who have died of a communicable disease shall be conducted under the supervision of the jurisdictional health officer. In non-quarantinable diseases, an open casket may be permitted. Quarantinable diseases are subject to the regulatory power of the State of Wyoming, Department of Health.

Repealed.

CHAPTER 6

CREMATORIES

Repealed.

CHAPTER 6

CREMATORIES

Section 1. Permit Required. Any person, firm, association or corporation, desiring to operate a crematory in the state of Wyoming shall apply for and receive from the Board a permit to be issued by and in the form as the Board prescribes. The permit shall be displayed in a conspicuous place on the premises of the crematory.

Section 2. Qualifications for Permit. An applicant for permit to operate a crematory in the state of Wyoming must:

- (a) be an adult;
- (b) be of good character, and
- (c) be a high school graduate or have an equivalent degree.

Section 3. Application Procedures.

(a) A complete and notarized official application form for permit to operate a crematory shall be in writing and shall contain the name of the applicant, the address and location of the crematory and such further information as the Board requires and be accompanied by the appropriate fee. The application must include a description of the type of structure and equipment to be used in the operation of the crematory facility.

(b) The Board shall examine the premises and structure to be used as a crematory and shall issue the permit only if the applicant and the structure meet the standards required by the manufacturer, rules and regulations of the Board and the provisions of the Act.

Section 4. Permit Renewal. Each permit for operation of a crematory shall be issued and renewed in the same manner and form as that of a funeral director license.

Section 5. Crematory Facility. The permittee is responsible for the maintenance, employee training, and safe operation of retort equipment used in cremations.

(a) The telephone number of the fire department or rural fire district serving the crematory facility must be posted in large bold numbers in a conspicuous place near all telephones in the crematory facility as well as in the office.

(b) All crematory facilities shall be kept and maintained in a clean and sanitary condition and all appliances used in the preparation for cremation of dead human bodies shall be thoroughly cleansed and disinfected.

(e) When the crematory facility is unable to cremate the dead human body immediately upon taking custody, the dead human body shall be placed in a holding area which shall be marked "Private" or "Authorized Personnel Only".

(d) If the dead human body is not embalmed, it may not be held longer than twenty-four (24) hours from the time of possession to cremation.

(e) A crematory facility may be inspected by a Board member or the Board's designated representative during business hours.

(f) A crematory facility shall comply with all local building codes, environmental standards and applicable state and local regulations.

Section 6. Casket/container.

(a) All caskets and alternative containers for cremation shall meet the following standards:

(i) Be able to be closed to provide a complete covering for the human remains; and

(ii) be resistant to leakage or spillage; and

(iii) be sufficient for handling with ease; and

(iv) be able to provide protection for the health and safety of crematory personnel.

(b) 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.

(c) Used caskets or casket parts must be placed in a storage area not available to the public view.

Section 7. Cremation of Human Remains. The funeral director, embalmer or other person having charge of the preparation of the dead human body 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 of the dead human body. Unauthorized persons may not be permitted in the retort area while any dead human body is awaiting cremation, being cremated, or being removed from the cremation chamber.

(a) No crematorium shall accept a dead human body for cremation until it has received a burial transit permit required by law and an authorization for cremation signed by the nearest legal next of kin.

(b) Upon completion of the cremation process, all residual of the cremation process shall be removed from the retort and the cremation 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 remains. The identifier shall be attached to the container or tray to await final processing. All residual of the cremation process shall undergo final processing.

(c) Should the cremated remains or 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 remains or processed remains and then securely closed.

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

(e) If the cremated 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 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 delivery.

Section 8. Identification. The permittee is responsible for the identification of cremated remains as delivered and identified by the deliverer. A crematory may not accept unidentified human remains.

(a) The permittee shall see that an identifying metal disc is attached to each receptacle containing a dead human body. When a dead human body is to be cremated, the disc shall be secured to the top of the head end of the casket or alternate container.

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

(c) The identifying metal disc shall be held on the inside of the retort until the remains are cremated and recontainerized. 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 each receptacle containing cremated human remains.

Section 9. Removal of Dead Human Remains. Dead human remains delivered to a crematorium 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 of the human remains. The use of a casket or other container is not a necessary requirement of cremation.

Section 10. Records of Crematories. Upon the receipt of a dead human body for cremation, the crematory shall deliver to the funeral director or his agent who delivers the dead

human body to the crematory, a receipt showing the date of delivery, name and signature of the funeral director from whom the dead human body is received and the name of the deceased. Each crematory shall maintain a record of each cremation of dead human remains disclosing the name of the person cremated, the name of the person authorizing the cremation, the date the dead human body was received, the date the cremation was performed and such other information as the Board may require. The record of each cremation shall be signed by the owner or operator of the crematorium. The record shall be kept at the crematory 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) A dead human body 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.
- (c) The unauthorized, simultaneous cremation of dead human remains of more than one (1) person within the same cremation chamber is prohibited unless the crematory has received express written authorization from all appropriate authorizing agents for the human remains to be cremated simultaneously. A written authorization exempts the crematory from liability for commingling of the product of the cremation process provided the authorization is complied with.
- (d) No licensee may refuse to release cremated human remains to the authorized agent.
- (e) It is prohibited to cremate 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 facility.
- (f) Cremation of animals or pets of any type, is strictly forbidden in a crematory facility designed for the cremation of human remains.

Repealed.

CHAPTER 7

ISSUE AND RENEWAL OF LICENSE

Repealed.

CHAPTER 7

ISSUE AND RENEWAL OF LICENSE

Section 1. Grounds for Refusing to Issue or Renew Licenses. The Board will not issue or renew licenses to persons who have by false or fraudulent representations, obtained or sought to obtain practice in their profession, or by false or fraudulent representation have obtained or sought to obtain money or anything of value, or for any other unprofessional or disorderly conduct, or for the willful violation of any law relating to the public health, or of any rule of the Board and proceedings under this section shall be conducted in accordance with the Board's rules of practice and procedure.

Section 2. Issuance of License. Upon completion of all requirements and approval of the Board a numbered license shall be issued as a Funeral Director or Embalmer. The licensee shall receive a wall certificate and pocket identification card.

Section 3. License to Be Signed and Displayed; Business to Be in Name of Licensee. Every license issued hereunder shall specify the name of the licensee, shall be signed by the licensee and shall be displayed conspicuously in the place of business or employment of the licensee. No funeral establishment shall be conducted or held forth as being conducted, or advertised as being conducted, under any name except the name appearing as licensee in the license issued by the Board.

Section 4. Issuance of Duplicate License Number, Temporary License Prohibited. No duplication of license numbers shall be issued in any case should a number become vacant; and no temporary certificates of license shall be granted pending examination of applicants.

Section 5. License Certificate Lost or Destroyed. In cases where the original license certificate has been lost or destroyed, the Board will issue a duplicate certificate. The licensee must furnish an affidavit stating how the original was lost or destroyed and pay a reasonable fee to defray the costs of the duplicate license.

Section 6. Expiration of Licenses. All licenses expire on February 1st of each year.

Section 7. Payment of Annual Renewal Fee. The annual renewal fee is payable in advance with the application for renewal of license.

Section 8. Renewal Notice. By January 1st of each year the Board 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 from the Board does not excuse a licensee from the requirement for renewal under the Act and these rules.

Section 9. Past Due Embalmer License Renewals. Any embalmer license renewal application and fee received which is post marked after the embalmer license expiration date will not be accepted by the Board and will be returned to the embalmer and the license will become null and void.

Section 10. Funeral Director Late Renewal Fee. Any funeral director license renewal application and fee received which is post marked after the license expiration date will be subject to the late fee in addition to the renewal fee.

Section 11. Past Due Funeral Director Renewals. Any funeral director license renewal application and fee received which is post marked more than thirty (30) days after the funeral director license expiration date will not be accepted by the Board and will be returned to the funeral director and the license will become null and void.

Section 12. Reinstatement of Funeral Director License; Fees, Penalties, Etc. When a licensed funeral director has for any reason allowed his license to lapse, the Board is hereby given power of reinstatement, if application therefore is made within a period of three (3) years from the lapse and is accompanied by all fees based on the current fee schedule, including renewal and penalties, from the time of the lapse to date of reinstatement.

Repealed.

CHAPTER 8

FEES

Repealed.

CHAPTER 8

FEES

Section 1. General Information.

- (a) The current fee schedule shall appear in the official records of the Board's activities and be kept on file in the Board office.
- (b) At the time of application, a copy of the current fee schedule shall be provided to the applicant.
- (c) 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 or business check.
- (d) All fees collected by the Board are non-refundable.

Section 2. Maximum Fees. Fees for services for which the Board charges shall not exceed the following schedule including, but not limited to:

- (a) Embalmer license examination:
 - (i) Original licensure by state law examination \$225.00
 - (ii) Reciprocal licensure by state law examination \$225.00
 - (iii) Foreign embalmer licensure by practical examination and state law (to include mileage reimbursement at the rate allowed by the State of Wyoming, Travel Rules and Regulations) \$300.00
 - (iv) Embalmer written examination in lieu of a National Board Examination, if applicant has not passed the N.B.E. (This exam is prepared by the CFSED and is termed a State Board Examination (S.B.E.)). The applicant shall pay for and pass the state law examination \$450.00
- (b) Embalmer initial license for first year:
 - (i) February 1 to July 31 \$150.00
 - (ii) August 1 to January 31 \$75.00
- (c) Embalmer annual license renewal \$150.00
- (d) Funeral Director examination:

(i)	Existing business (change of owner or director).....	\$225.00
(ii)	New business (includes inspection).....	\$450.00
(e)	Funeral director annual license renewal	\$225.00
(f)	Crematory license fee (includes inspection).....	\$375.00
(g)	Crematory annual license renewal	\$225.00
(h)	Late fee for license renewal: funeral director, crematory	\$30.00
(i)	Business name change	\$30.00
(j)	Location change of business (includes inspection).....	\$225.00
(k)	Copies of Act and Rules and Regulation booklet	\$22.50
(l)	Assignment of funeral director license number.....	\$45.00
(m)	License verification to another jurisdiction	\$10.00
(n)	Duplicate license certificate	\$10.00

Repealed.

CHAPTER 9

BURIAL PERMIT, DEATH CERTIFICATE, EMBALMING FOR TRANSPORTATION, AND TRANSPORTATION OF DEAD HUMAN BODIES

Repealed.

CHAPTER 9

BURIAL PERMIT, DEATH CERTIFICATE, EMBALMING FOR TRANSPORTATION, AND TRANSPORTATION OF DEAD HUMAN BODIES

Section 1. Standard Burial Transit Permit Required. No person, partnership or corporation shall inter, assist in, or assent to or allow an interment of a dead human body, or aid or assist in the preparation of any grave or place of depository of any dead human body, or assist in the cremation or burial or transport or receive for interment, burial or transportation any dead human body, unless accompanied by a Standard Burial Transit Permit and all persons, partnerships and corporations must comply with the rules and regulations of the Board covering the transportation of dead human bodies.

Section 2. Disposition of Permit. The burial or removal permit issued by the local registrar shall be delivered to the sexton, or other person receiving the dead human body for final disposition. It shall be the duty of the person who shall receive any such permit to preserve and return the same to the Local Health Officer or Registrar of Vital Statistics of the respective city after the interment, cremation, or other disposition of the dead human body, stating therein the date and time of the interment, cremation, or other disposition and the number of grave or receptacle in which the dead human body was buried or sealed.

Section 3. Embalming Fluids. The use of embalming fluids, hardening compounds and preservatives for the preparation of dead human bodies, containing mineral poisons, is strictly forbidden in the state of Wyoming.

Section 4. Embalming One Who Died of Communicable Disease.

(a) The bodies of those who have died of a contagious communicable infectious disease as set out in Chapter IV, *supra*, 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 dead human body with a disinfectant.

(b) Those bodies 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 dead human body 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.

Section 5. Embalming One Who Died of Non-communicable Disease.

(a) Bodies dead from any cause not stated in Chapter IV, supra, may be received for out of state transportation by common carriers, when prepared by being thoroughly disinfected by:

(i) arterial and cavity injections with an approved disinfecting fluid containing not less than ten percent (10%) of forty percent (40%) formaldehyde solution;

(ii) disinfecting and stopping of all orifices with dry absorbent cotton; and

(iii) washing the dead human body with a disinfectant.

(b) After being prepared and disinfected as above, the bodies shall be enclosed in a casket or a shipping container.

(c) 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 as described in previous sections. 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 6. Standard Burial Transit Permit as Shipping Paster - Use of Duplicate.

(a) The Standard Burial Transit Permit, referred to in Section 33-16-109, W.S. 1977, as a shipping paster, shall be the only form necessary for burial, removal or shipment of dead human bodies within the state of Wyoming and to other states and to Mexico and Canada.

(b) When used as a transit permit for transportation of a dead human body by a common carrier, a duplicate of the standard burial transit permit may be enclosed in a strong envelope and attached to the shipping case. No separate transit permit is necessary and the use of the duplicate permit is optional with the funeral director. Shipping instructions must be attached to the box or case so they may be easily read by common carrier employees.

Section 7. Time for Transportation. No embalmed dead human body (except disinterred body) shall be accepted for common carrier transportation unless the embalming process has been completed.

Section 8. Use for Anatomical Purposes. The bodies of those dead from any cause stated in Chapter IV, supra, to be used for demonstration of anatomy in colleges and schools of embalming, or for use of the Board, may be received for transportation when prepared by being thoroughly disinfected by arterial injection with an approved fluid. After being prepared as above, the bodies may be received for transportation.

Section 9. Reshipment. Bodies which have been embalmed and are in good condition when received from another state may be reshipped by a Wyoming licensed embalmer by obtaining a burial transit permit from the local registrar. Bodies not in good condition shall not be reshipped until said bodies have been prepared and disinfected according to the rules governing the preparation and transportation of dead human bodies in the state of Wyoming.

Section 10. Disinterred Bodies.

(a) Before bodies can be disinterred, a permit for disinterment, transportation and reinterment must be obtained from a local registrar on a form approved by the State Department of Health. When the dead human body is to be shipped by railroad express or other common carrier, the local registrar is authorized to issue the permit in duplicate, one copy which is to be firmly attached to the casket or shipping box, preferably in a strong envelope. Bodies to be shipped by common carrier must be closed in a tightly sealed container to prevent the escape of fluids or odors.

(b) When a second funeral director is to reinter the dead human body, his name should be added to the front side of the permit below the name of the funeral director who disinterred the dead human body.

(c) Permits to disinter a dead human body may be issued only to Wyoming licensed embalmers or funeral directors.

(d) The administrative procedure will be as follows:

(i) The person wishing to disinter a dead human body applies to the local registrar of the district in which the dead human body is buried and receives a permit from him filled out with the items above the registrar's name.

(ii) This permit is presented at the cemetery where the dead human body is to be disinterred, where the permit is endorsed by the superintendent, sexton, or person in charge.

(iii) Then, the permit is surrendered to the superintendent or person in charge of the cemetery of reinterment who endorses and forwards the permit within ten (10) days to his own local registrar.

(iv) The latter forwards the permit with his monthly returns to the State Registrar for entry of the place and date of reinterment on the original death certificate.

(e) No person shall disinter a dead human body without first securing a permit from the local registrar of the district in which the dead human body is buried. The above is also applied for the opening of a grave for any purpose whatsoever.

Repealed.

CHAPTER 10

PURSUING PROSECUTION FOR VIOLATIONS

Repealed.

CHAPTER 10

PURSUING PROSECUTION FOR VIOLATIONS

Section 1. Effect of Rules and Regulations. Every licensed funeral director having a pecuniary interest in, or managing any funeral establishment in the State of Wyoming, will be held responsible for any violations of any law or rule or regulation governing and regulating funeral establishments, funeral directors, embalmers, apprentice embalmers, and the practice of embalming.

Section 2. Petition for Revocation or Suspension of License or Permit; Notice for Hearing; Order of Suspension or Revocation. A petition for the revocation or suspension of a license may be filed by the attorney general or by the county attorney of the county in which the licensee resides or has practiced, or by any citizen residing in this state. Said petition shall be filed with the Board and shall be entitled, "In the Matter of the Revocation (or Suspension) of the License of (name of licensee) to Practice Funeral Directing", and shall state the charges against the licensee with reasonable definiteness. Upon the presentation of the petition to said Board, the Board shall make an order fixing a time and place of hearing thereon which shall not be less than ten (10) days nor more than thirty (30) days thereafter. Notice of filing of the petition and the time and place of hearing shall be served upon the licensee at least ten (10) days before said hearing. Said notice may be served by any sheriff or constable or by any person especially appointed by the Board. Order of revocation or suspension of licenses shall be entered of record and the name of said licensee stricken from the roster of licentiates and the licensee may not engage in the practice of funeral directing after revocation of license or during the time for which it is suspended.

Section 3. Petition for Revocation or Suspension of License; Appeal to District Court. Both parties shall have the right of appeal to the district court of the county in which the licensee resides at any time within thirty (30) days after entry of the order of the Board. The service of a notice in writing, of the intention of taking an appeal, within ten (10) days after the entry of the order shall be sufficient notice to the adverse party of the appeal. A transcript of all pleadings upon which the cause was submitted to the Board, duly certified, shall be filed in the office of the clerk of the district court and the filing shall complete the appeal. The trial of the district court upon the appeal shall be de novo. In the event the licensee appeals, the decision of the Board shall not be stayed by the proceedings on appeal and the appeal shall not operate to restore the right of the licensee or to practice pending the appeal, unless bond, with sufficient surety, to be approved by said clerk of the district court, shall be posted with said clerk of the district court, in such sums as the judge or court commissioner may require, conditioned that the appeal shall be prosecuted without unnecessary delay and in case the decision appealed from be confirmed the licensee shall pay all costs.

Repealed.

CHAPTER 11

COMPLAINTS: PRACTICE AND PROCEDURE

Repealed.

CHAPTER 11

COMPLAINTS: PRACTICE AND PROCEDURE

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the Board's authority to conduct investigations, hearings and proceedings concerning alleged violations, and to determine and administer appropriate disciplinary action against licensees for proven violations as required by Sections 33-16-101, *et seq.*, 33-16-310, and 33-16-311.

Section 2. Receipt of Complaint. Any complaint made against a licensee shall be made in writing and should provide at least the following information:

- (a) Name, address, place of employment and position of the individual believed to have violated the governing statute or Board rules and regulations;
- (b) The nature of the complaint and a description of the incident(s) involved, including date(s), time(s), and location(s), and any observed behavior of the individual;
- (c) The name and address of other witnesses, if any; and
- (d) The signature and address of the person or persons making the complaint.

Section 3. Review of Complaint. A committee of two (2) Board members, appointed on a rotating basis by the president of the Board, shall review each complaint and where necessary, direct further investigation.

- (a) The Committee members so appointed shall not take part in the consideration of any contested case in which they participated in the investigation of the complaint. Members of the committee shall not by this rule be barred from attending any disciplinary hearing.
- (b) Following review and investigation of a complaint, the committee may take any appropriate action, including but not necessarily limited to the following:
 - (i) Forward the complaint filed by a complainant to the Board for formal disciplinary proceedings;
 - (ii) File a complaint with the Board on its own behalf;
 - (iii) Send a written letter of warning to the individual listed in the complaint;
 - (iv) Deny issuance or renewal of a license;
 - (v) Accept the voluntary surrender of a license;
 - (vi) Recommend terms for a conditional license; or

(vii) Close the investigation of any complaint.

Section 4. Notice and Opportunity to Show Compliance. Prior to commencing formal proceedings by filing of a petition for the revocation or suspension of a license, the Board shall give notice by mail to the licensee of the facts or conduct which warrant the intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within ten (10) days of receipt of the notice. The notice shall be sent by certified mail with return receipt to the licensee's last known address.

Section 5. Commencement of Formal Proceedings.

(a) Formal proceedings may be commenced only after filing of a complaint in the form prescribed by the Board alleging a violation of the governing statutes or of Board rules and regulations.

(b) The complaint required herein may be either the initial complaint filed by the complainant or a complaint filed by the Board committee.

Section 6. Notice. Formal proceedings for Board disciplinary action or a license shall be commenced by notice issued by the Board, served in person or by certified mail.

(a) Notice shall contain at least:

(i) The name and address of the Respondent.

(ii) A statement, in ordinary and concise language, of the nature of the complaint filed with the Board, and the facts upon which the complaint is based, as well as the specific statutory provision(s) or the Board rules and regulations involved;

(iii) The time, place and nature of the hearing;

(iv) That the hearing is being held pursuant to the Board's authority under Sections 33-16-101 et seq., 33-16-310 and 33-16-311, W. S. 1977.

(v) That failure to respond to the complaint within twenty (20) days of its receipt may result in default.

(b) Service on the Respondent shall be deemed complete and effective if the document to be served is sent by certified mail to the Respondent at the last known address provided to the Board by the Respondent.

Section 7. Default. The Board may enter an order based on the allegations of a complaint in any case where the Respondent has not responded within twenty (20) days of the date of notification of the complaint, or in any case in which the Respondent or the Respondent's representative has not appeared at a scheduled hearing of which the Respondent had notice.

Section 8. Motions. All motions made to the Board shall be made in writing ten (10) days prior to the date set for hearing.

(a) The Board may, within its discretion and upon good cause shown, allow a motion to be filed at any time.

(b) For purposes of this rule, any request for settlement of a contested case shall be considered a motion before the Board.

Section 9. Docket.

(a) When formal proceedings are initiated and notice has been afforded, the case shall be assigned a number and entered upon a docket provided for such purpose.

(b) The Secretary of the Board shall establish a separate file for each docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence, and exhibits pertaining thereto, and all such items shall have noted thereon the docket number assigned, and the date of filing.

Section 10. Discovery.

(a) In all formal proceedings before the Board, discovery shall be afforded in accordance with Section 16-3-107(g) (h) of the Wyoming Administrative procedure Act.

(b) Requests for discovery from the Board shall be made in writing and directed to the Secretary of the Board.

Section 11. Subpoenas.

(a) The issuance and enforcement of subpoenas is governed by Section 16-3-107(d) (e) (f) of the Wyoming Administrative procedure Act.

(b) Subpoenas for appearance or to produce books, papers, documents, or exhibits may be issued by the Secretary of the Board upon receipt of the written application for same by any party to the case.

(c) Written requests for subpoenas shall describe with particularity the materials requested for production.

(d) The party requesting the issuance of a subpoena shall bear the costs of such issuance to the extent and in the same manner as those fees are paid in the District Courts of the State of Wyoming.

Section 12. Witnesses.

- (a) All persons testifying at any hearing before the Board shall stand and be administered
- (b) No testimony will be received from a witness except under oath or affirmation.
- (c) The party calling a witness shall bear the costs associated with the witness's appearance.

Section 13. Representation.

- (a) Any respondent may represent themselves or be represented by counsel, provided that the counsel is licensed to practice law in the State of Wyoming, or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.
- (b) A request for withdrawal from representation shall be made by the attorney in writing to the Board.
- (c) In any case before the Board, an appearance in person or the filing of an answer shall constitute an appearance of record by an attorney.
- (d) A representative of the Attorney General's Office shall present to the Board all matters enumerated and described in the notice.
- (e) The Board may request the Attorney General or the designated representative to be present and advise the Board in conducting the hearing.

Section 14. Order of Procedure. As nearly as practicable, the order of procedure at any hearing before the Board shall be as follows:

- (a) The presiding officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the presiding officer shall direct the reading into the record of the notice given, and the complaint, together with appearance in the form of answers or other appearance made by the Respondent, and shall note for the record all subpoenas issued and all appearances of records, including Respondent and counsel.
- (b) Opening statement may be made by each of the parties. The time allowed for oral argument may be limited by the presiding officer.
- (c) The counsel or representative of the Board, shall thereupon proceed to present the evidence in support of the complaint. Witnesses may be cross examined by the Respondent or the Respondent's counsel. All exhibits offered by and on behalf of the complaint shall be marked by letters of the alphabet beginning with "A."
- (d) The Respondent shall, in the order of the answers or appearance made, be heard in the same manner as the evidence, witnesses, and exhibits were heard and presented in support of

~~the complaint, and may be cross examined by the counsel or representative of the Board. The Respondent's exhibits shall be marked separately so as to identify the Respondent, commencing with the numeral "1."~~

~~(e) Rebuttal evidence may be allowed within the discretion of the presiding officer.~~

~~(f) Closing statements may be made by the representative of the Board and by the Respondent or the Respondent's counsel at the conclusion of the presentation of evidence. No rebuttal statement may be made by any of the parties to the proceeding.~~

~~(g) After all proceedings have been concluded, the presiding officer shall dismiss and excuse all witnesses, and declare the hearing closed. Any party who may wish to present written briefs of law to the Board may do so, and the presiding officer may request written briefs of law for the Board. The Board shall take the case under advisement and shall inform the Respondent that the decision shall be announced within due and proper time following consideration of all the matters presented at the hearing.~~

Section 15. Decision and Order. ~~The Board shall, following a hearing, make and enter a written decision and order containing findings of fact and conclusions of law, stated separately.~~

~~(a) The decision and order shall be sent by certified mail to the Respondent and the Respondent's attorneys of record.~~

~~(b) This rule does not preclude the Board from giving preliminary, non binding notice to the parties prior to the filing of the Board's written decision and order.~~

~~(c) Unless otherwise ordered by the Board, all decisions of the Board shall be effective as of the time of the filing of the written decision and order.~~

Section 16. Record of Proceedings. ~~In a contested case, the proceedings, including all testimony shall be reported verbatim by a competent reporter or by other methods deemed sufficient by the Board. Such other methods may include the use of tape recorders.~~

Section 17. Surrender of License. ~~In the event a license is revoked or suspended, the license shall be surrendered to the Board.~~

Section 18. Appeals.

~~(a) Appeals from decisions of the Board are governed by Section 16-3-114, W.S. 1977, of the Wyoming Administrative procedure Act, and the 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.~~

Section 19. Applicability of the Rules of Civil Procedure. The Wyoming Rules of Civil procedure, insofar as they may be applicable and not inconsistent with the laws of the State and these rules and regulations, shall apply to cases before the Board.

Repealed.

CHAPTER 12

**REINSTATEMENT OF LICENSE AFTER SUSPENSION
OR REVOCATION**

Repealed.

CHAPTER 12

REINSTATEMENT OF LICENSE AFTER SUSPENSION OR REVOCATION

Section 1. Reinstatement after Disciplinary Action. A licensee whose license has been suspended may petition the Board for reinstatement of the license thirty (30) days before the end of the suspension period.

Section 2. Procedures for Reinstatement.

(a) A petition for reinstatement shall be accompanied by at least two (2) verified recommendations from licensed funeral directors and by at least two (2) recommendations from individuals each having personal knowledge of the activities of the licensee since the disciplinary action was imposed.

(b) A petition for reinstatement shall be considered at the next Board meeting but not within thirty (30) days after the petition was filed.

(c) Any petition for reinstatement of a license shall be acted upon by the Board within one hundred and eighty (180) days after the filing of a proper petition and the accompanying documents.

(d) If a formal hearing is held on the petition, at least thirty (30) days notice shall be given by sending a notice of hearing by certified or registered mail to the last known address indicated in the records of the Board. Notice may also be given by personal service.

(e) The hearing procedure shall be conducted in accordance with Chapter 8 of these rules and the Wyoming Administrative Procedure Act.

Section 3. License Renewal Fees. A licensee whose license is reinstated shall pay the renewal fee for the year in which the license is reinstated.

Repealed.

CHAPTER 13

INFORMATION PRACTICES

Repealed.

CHAPTER 13

INFORMATION PRACTICES

Section 1. Disclosure.

(a) The personal information compiled by the Board concerning each licensee or prospective licensee is confidential and shall be released only to the person to whom the record pertains, to others upon notarized written consent or upon court order.

(b) Disclosure of confidential records and public records shall also be governed by W.S. 16-4-201 et seq., pertaining to public records.

Section 2. Access.

(a) Any licensee, prospective licensee or others with the licensee's notarized written consent may personally inspect the contents of a respective Board's file except for personal recommendations, and unofficial complaints.

(b) Record inspection shall take place under the following conditions:

(i) An appointment shall be made to review the file during regular business hours at the office of the Board;

(ii) In the presence of a Board member or a representative of its administrative staff; and

(iii) Original documents shall remain with the Board but may be copied at the Board office for a reasonable fee.

Section 3. Correction and Amendment. Any licensee or prospective licensee may clarify erroneous, inaccurate or misleading information in their file by submitting a written statement to the Board which shall be placed in the file.

Section 4. Change of Name and/or Address.

(a) A licensee shall notify the Board in writing of any change in legal name within thirty (30) days.

(b) A licensee shall notify the Board of any change of home or professional mailing addresses and telephone numbers within thirty (30) days.

Section 5. Verification of Licensure to Another Jurisdiction. Upon receipt of a written request for verification of licensure and the required fee, the Board shall provide the information to the jurisdiction specified by the licensee.

Section 6. Requests for Roster of Licensees.

(a) ~~The roster shall be made available to state agencies and licensees upon request, free of charge.~~

(b) ~~Any other entity may obtain a roster by written request accompanied by a money order or cashiers check in the amount of \$100.00.~~

Repealed.