

OKLAHOMA FUNERAL BOARD
3700 North Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118

NOTICE OF SPECIAL MEETING

MEETING PLACE: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street
Conference Room 1st Floor Oklahoma City, OK 73105.

DATE & TIME: January 29, 2025 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on January 27, 2025 at 9:15AM. A copy of this agenda is available on the Funeral Board website at www.oklahoma.gov/funeral

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. **Roll Call-** Members Coble, Corbett, Davenport, Matherly, Roberts, and Watkins were present.
2. **Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Rules:** Mr. Stiles reported that following the public comment period and public comment hearing, several licensees provided feedback regarding their concerns over various rule changes. Those summaries were provided to the Board members. Language of the approved rules follows these notes.
 - A. OAC 235:10-3-2(11) Transferability Rule Change of FDIC and/or Name Change application-**Approved**
 - B. Requirement of Specific Number of Caskets in Selection Room-**Approved**
 - C. Creation of Penalty Schedule for Complaints-**Approved**
 - D. Updating Cremation Rules-**Disclaimer regarding not owning your own crematory was withdrawn. Cremation container requirements was amended to specify 8 inch sided container. Inspection of crematory requirements were amended to specify**

that the inspections are to be performed by a Board approved vendor. All other rule changes were approved.

- E. Creation of rules for emergency action on egregious complaints-
Approved

3. Adjournment 10:57AM

Tyler Stiles, MBA, Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:

**February 13, 2025. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street
Conference Room – 1st Floor Oklahoma City, OK 73105.**

NEW

235:10-3-4. Licensing Crematories

Crematories shall meet all requirements for a full service establishment, except that:

- (1) Requirements. A crematory shall have an operable machine reserved for cremating/reducing human remains. Each machine shall be permitted by the Board. Any additional machine shall be permitted by the Board.
- (2) Prohibition. The holder of a crematory license is prohibited from advertising, offering, or soliciting cremation to the public solely in the name of the reduction facility license or under any name other than that of its affiliated establishment as presented on its board-issued funeral establishment license.

NEW

235:10-9-2. Investigations

- (a) Probable Cause Committee. After a complaint has been filed, the Probable Cause Committee (consisting of the Executive Director and one Board member designated by the Executive Director) shall determine whether the complaint falls within the Board's jurisdiction, whether an investigation is warranted, and if warranted, shall direct the investigation to be made and a summary of the complaint sent to Board members.
- (b) Acknowledgement. Each complaint received shall be acknowledged in writing. This acknowledgment shall state that the complaint is being reviewed and the respondent is being given an opportunity to respond to the allegations made by the complainant.
- (c) After response. Upon receipt of a response by the respondent and, if after further investigation, it is necessary, the probable cause committee shall submit the information to the Board who will determine if there are reasonable grounds for belief that violation has occurred and make a determination if a hearing is warranted and, if warranted, shall schedule a hearing before the Board. The Probable Cause Committee may recommend to the Board informal disposition be made. The Executive Director shall properly notify the complainant and the respondent of such hearing. The Board member serving on the probable cause committee shall be recused from such hearing. If the Board determines that a hearing is not necessary, then both the respondent and the complainant shall be notified in writing that the complaint will be dismissed.
- (d) Jurisdiction. No investigation shall be made on any complaint concerning matters outside the jurisdiction of the Board.
- (e) Emergency. If the Board, upon review of the report of the Probable Cause Committee, finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of an original license or renewal, or both, may be ordered by the Board pending initiation of an individual proceeding. In such an event, the individual proceeding against the affected licensee shall be initiated within thirty (30) days after the date of the issuance of the summary suspension order.

AMENDED

235:10-14-1. Requirements

- (a) Unembalmed human remains awaiting cremation must be placed in refrigerated storage at 40 degrees Fahrenheit or less. All crematories shall have refrigerated storage facilities with a capacity equal to or greater than their average daily case load. If storage facilities are full, additional remains should not be accepted. Human

remains shall never be stacked or placed upon other human remains. For purposes of this rule stacked shall mean in direct contact with one body on top of the other body. Storage facilities should not be in public view.

(b) From receiving through storage, cremation, processing, packaging and release, proper identification must accompany the remains at all times.

(c) crematories shall use a metal ID disc and the disc shall be placed in the reduction chamber with the human remains during the cremation/reduction process. The disc shall remain with the majority portion of the reduced remains and provided to the authorizing agent. The metal disc shall have the name or acronym of the crematory and that name or acronym shall be registered with the Board.

~~(c)~~ (d) Crematories licensed by the Funeral Board shall be used exclusively for the cremation of human remains.

(e) Each human remains shall be placed into a container for cremation/reduction process. If reduction by fire, this container must, at minimum, be a commercially available rigid alternative container constructed of corrugated cardboard with at least 5 sides, with each of the four sidewalls measuring at least 8 inches in height, or a hydrolyzable/biodegradable pouch, if the reduction is through alkaline hydrolysis.

~~(d)~~ (f) Upon completion of the cremation, and insofar as practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber. If possible, the noncombustible materials or items shall be separated from the cremated remains and disposed of, in a lawful manner, by the crematory. The cremated remains shall be reduced by motorized mechanical device to granulated appearance appropriate for final disposition.

~~(e)~~ (g) The cremated remains with proper identification shall be placed in a temporary container or urn, unless specific written authorization has been received from the authorizing agent which directs otherwise.

~~(f)~~ (h) If the cremated remains will not fit within the dimensions of a temporary container or urn, the remainder of the cremated remains shall be returned to the authorizing agent or its representative in a separate container attached to the first container or urn identifying such containers as belonging together.

~~(g)~~ (i) The walls and floor of the cremator work area must be constructed, and of such materials, and finished in a way that they may be cleaned and disinfected.

~~(h)~~ (j) The Crematory area shall not have a passageway for public use.

~~(i)~~ (k) Cremation log will be maintained by the crematory that contains the following:

- (1) Name of deceased
- (2) Name and address of Authorized Representative
- (3) Cremation permit number from the Oklahoma Medical Examiner's Office
- (4) Cremation date
- (5) Funeral home or commercial embalming establishment handling cremation

~~(j)~~ (l) No human remains may be cremated without first obtaining a cremation permit from the proper agency of the state where death occurred.

~~(k)~~ (m) Identification of Dead Human Bodies. In addition to the cremation log provided in Section 235:10-14-1 (i):

- (1) A non-detachable bracelet attached at all times to the human remains shall identify each human body in the possession or custody of the funeral establishment, commercial embalming establishment, or crematory in this state.
- (2) The non-detachable bracelet must at a minimum contain the following information:
 - (A) First and last name of deceased
 - (B) Date of Death

(n) Each crematory machine shall successfully complete preventative maintenance & safety inspection by a Board-approved vendor and provide proof of inspection and maintenance annually with renewal.

Amended

235:10-3-2. Requirements for licensing funeral service establishments

To be licensed by the Board a funeral service establishment or a commercial embalming establishment must meet the following minimum requirements:

(1) **Ownership.** The establishment shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, or a subsidiary of a corporation, a partnership, a limited liability partnership, a limited partnership, or a limited liability company, or by a corporation chartered in the State of Oklahoma.

(2) **Fixed place.** The establishment shall have a fixed place of business with a specific street address or physical location and shall conform to local zoning ordinances as evidenced by an occupancy permit issued by the proper local governmental entity authorizing the occupancy of a funeral service establishment at that location. Only one establishment license shall be issued to a specific address. If the establishment will contain a preparation room which does not discharge into a municipal sanitary sewer it must also secure permission from the appropriate county and/or state agency for any such discharge from the embalming room prior to being eligible to receive a funeral establishment or commercial embalming establishment license from this Board. Any establishment which has been issued an establishment license under a rule of the Board having different requirements than this sub-section for a fixed place will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed, except as provided under sub-section (15).

(3) **Inspected.** The establishment shall be inspected by a representative of the Board prior to being initially licensed and periodically as determined by the Board.

(4) **Statutes and Rules.** Each establishment shall have available a current copy of the Oklahoma Statutes and Rules related to the practice of funeral directing and embalming available for public inspection.

(5) **Preparation room.**

(A) The establishment shall have a preparation room. Such preparation room shall meet the following minimum requirements:

(i) **Construction.** The walls, floor, and ceiling must be constructed, and of such materials and finished in a way that they may be cleaned and disinfected. The room must be of sufficient size and dimension to accommodate an embalming table, a sink that drains freely with hot and cold running water connections, an instrument table, cabinet, and shelves. The embalming table must have a rust proof metal, porcelain, or fiberglass top, with edges raised at least 3/4 inches around the entire table and drain opening at the lower end.

(ii) **Ventilation.** The preparation room shall be heated and air-conditioned. The preparation room must be properly ventilated with an exhaust fan that provides at least five room air exchanges per hour. All fumes must be ventilated to the outside atmosphere. The construction must be such that odors from the preparation room cannot enter the rest of the establishment.

(iii) **No public use.** The room shall not have a passageway available for public use.

(iv) **Equipment.** The room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection shall require embalming chemicals to be stored in the preparation room. The room shall have no excess equipment stored,

other than equipment necessary for preparing dead human remains, and performing necessary restorative art work. There shall be storage shelves, drawers, or cabinets for all supplies, instruments, and equipment. The room and equipment shall be maintained in a clean and sanitary condition.

(v) **Openings covered.** All outside openings shall be covered with screens.

(vi) **Interior view.** Measures must be taken to prevent a view of the interior of the room through any open door or window.

(vii) **Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s). If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

(B) **Exceptions.** A funeral establishment operated in conjunction with another licensed funeral establishment, with same ownership, shall be exempt from maintaining a preparation room provided it is located within 60 miles of the main establishment and can be practically served by the main establishment.

~~(6) **Selection room.** The establishment shall have a selection room. Such room shall be devoted solely to the purpose of providing a means for the public to make a reasonable selection of funeral service merchandise. Such room shall be of adequate size and furnishings. Such selection room shall meet the following minimum requirements:~~

~~(A) **Casket and outer burial container price lists.** The funeral provider must offer a printed or typewritten price list to people who inquire in person about the offering or prices of funeral merchandise including caskets, alternative containers and outer burial containers. The price list must be offered upon the beginning of discussion of, but in any event before showing the funeral merchandise. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner.~~

~~(B) **Caskets.** Each funeral establishment shall maintain an inventory of not less than five adult caskets at the location, or five quarter panel or end cut display units provided by a commercial casket manufacturer. Any establishment which has been issued an establishment license under a rule of the Board having different requirements than this sub-section for the number of caskets in inventory will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed, except as provided under sub-section (15).~~

~~(C) **Equipment.** The selection room shall have no excess equipment stored, other than equipment necessary for the proper display of funeral service merchandise.~~

~~(D) **Condition.** The room shall be maintained in a clean, neat, and orderly fashion at all times.~~

~~(7)~~ **(6) Other rooms.** The establishment shall have adequate areas for public viewing of dead human remains and necessary offices for conducting the business affairs of the establishment. The establishment may have other rooms, offices, and other facilities, including restrooms for the staff and public lounge areas. All other rooms and facilities shall be maintained in a clean, neat, and orderly fashion at all times.

~~(8)~~ **(7) Vehicles.** The establishment shall have the necessary automotive vehicles to provide adequate service to the public. This shall not prohibit the establishment from arranging to lease, borrow, or otherwise arrange for extra vehicles when needed.

~~(9)~~ **(8) Licensed funeral director and embalmer.**

(A) Each funeral service establishment shall have at least one full-time dual licensed funeral director and embalmer employed to be designated as the Funeral Director-in-Charge of the operation of the establishment and who has been approved by the Board as the Funeral Director in Charge. The establishment must also have a sufficient number of other licensed individuals to adequately serve the public.

(B) If an individual owner, partners, or corporation officers are not licensed funeral directors, then the owner, partners, or the corporation must employ a full-time dual licensed funeral director and embalmer to serve as Funeral Director-in-Charge of the establishment.

(C) No licensed funeral director may serve as the Funeral Director-in-Charge of more than one (1) funeral service establishment without the express written authorization of the Board. With the written order of the Board a licensed funeral director, upon good cause shown that such is in the public interest, may serve as a Funeral Director-in-Charge of more than one (1) funeral service establishment but in no event may any such licensed funeral director be the Funeral Director-in-Charge of more than three (3) such funeral service establishments. All of the establishments must be under the same ownership, and no establishment included in the application can be more than a 90 miles radius from the most centrally located establishment contained in the application.

(D) The funeral director-in-charge shall reside and maintain a permanent residence within 90 miles of the funeral establishment, commercial embalming establishment, or crematory.

(E) The Funeral Director-in-charge of an establishment(s) serves that position and retains the responsibility of Funeral Director-in-charge until he or she notifies the Board in writing of such termination or resignation from that position. The letter notifying the Board must be within (10) ten days of separation of employment.

~~(10)~~ **(9) Funeral Director In Charge.** The Funeral Director in charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and on the body intake log.

~~(11)~~ **(10) Transferability.** No establishment license is transferable from one person to another, or from one location to another. In case of the sale, lease, or relocation to a new location, or a change of name of the establishment, the establishment license may remain in force by mutual consent of the buyer and seller for a period of (30) thirty days or until the next regularly scheduled Board meeting, and at such time the license shall expire. The Funeral Director-in-Charge must notify the Board office in writing and within ten days of change of ownership, change of Funeral Director-in-Charge, change of address, or change of name. The purchaser, lessee, or owner must notify the Board office to request an inspection, and issuance of a new license. Upon purchase, lease or change of address, ~~change of name, change of Funeral Director in-Charge~~ a new establishment

license application must be submitted with fee. Upon change of name or change of Funeral Director-in-Charge, a form determined by the Board shall be submitted with the appropriate fee, per OAC 235:10-5-1. If exigent circumstances warrant additional time to facilitate a Funeral-Director-In-Charge change, upon good cause shown and with written agreement by a licensed funeral director and Embalmer to assume responsibility in the interim, the Board may grant no more than 2 requests of 90 days for an establishment to employ the new Funeral-Director-in-Charge. The licensed funeral director assuming responsibility in the interim shall be exempt from the requirements in 235:10-3-2 (9).

~~(42)~~ **(11) Requirement to practice.**

The issuance of a funeral service establishment license to an individual not licensed as a funeral director does not entitle the individual to practice funeral directing.

~~(43)~~ **(12) License lapse.** All establishment licenses lapse on the thirty-first of December for the year issued.

~~(44)~~ **(13) Inspection.** Every funeral service establishment, commercial embalming establishment, or crematory, shall be at all times subject to inspection by the Board. Inspections are to be reasonable in regard to time and manner.

~~(45)~~ **(14) Grandfather.** Any establishment which has been issued an establishment license under a rule of the Board having different requirements, then such Establishment is permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed. The Establishment license of such grandfathered establishment is not transferable. At such time as a change of ownership, purchase, lease, or change of address of such grandfathered funeral establishment is made then such establishment must meet the current requirements of this subchapter.

~~(46)~~ **(15) Application.** Any person or entity who desires to operate a funeral service establishment, commercial embalming establishment, or crematory must submit an application for an original license, renewal of a license, or change in funeral director on forms provided by the Board.

- (A) Each application for an original license shall include, at a minimum, the following:
 - (i) The current and previous name, if any, for a funeral service establishment, commercial embalming establishment, or crematory;
 - (ii) The address of the physical location and telephone number of the funeral service establishment, commercial embalming establishment, or crematory;
 - (iii) The name and license number of the proposed Funeral Director in Charge and affidavit of proposed Funeral Director in Charge;
 - (iv) The name of the current owner and, if applicable, all previous owners for the past sixty (60) months of the funeral establishment, commercial embalming establishment, or crematory;
 - (v) Whether the funeral service establishment, commercial embalming establishment, or crematory is a sole proprietorship, corporation, partnership, a limited liability partnership, limited partnership, a limited liability company, or a subsidiary of a corporation, a partnership, limited liability partnership, limited partnership, a limited liability company, or other business entity;
 - (vi) The name and address of each person owning five (5) percent or more of the funeral service establishment, commercial embalming establishment, or crematory, or corporation common stock, or of the equity capital or membership interest of a

limited liability company, a partnership, a limited liability partnership, a limited partnership, or sole proprietorship;

(vii) If a corporation, partnership, limited liability partnership, limited partnership, or limited liability company;

(I) The state and date of incorporation or formation;

(II) The name and address of the registered agent or agent appointed to receive service of process;

(III) The name, address, and title of each officer, director, general partner, or member and

(IV) A copy of the certificate of incorporation, articles of organization, or certificate or agreement of formation, and any other document filed with the Oklahoma Secretary of State, which allows the entity to do business in Oklahoma.

(viii) Whether the applicant, or any individual required to be disclosed under this section, has ever been convicted of, or entered a plea of guilty or no contest, to a felony, or to a misdemeanor related to funeral services, including the:

(I) Felony or misdemeanor charged;

(II) Date of conviction or plea;

(III) Court having jurisdiction over the felony or misdemeanor;

(IV) Probation officer's name, address, and telephone number, if applicable.

(ix) Whether the applicant, or any individual required to be disclosed under this section, has received any adverse ruling from any court of competent jurisdiction or any administrative tribunal involving honesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to funeral services, including the case number and the court or administrative body in which it was filed.

(x) Whether the applicant, or any individual required to be disclosed under this section, has ever had an application for a license, registration, certificate, or endorsement denied or rejected by any state licensing authority, including the:

(I) Reason for the suspension or revocation;

(II) Date of the denial or rejection; and

(III) Name and address of the state licensing authority that denied or rejected the application.

(xi) Whether the applicant, or any individual required to be disclosed under this section, has ever had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority, including the:

(I) Reason for the suspension or revocation;

(II) Date of the suspension or revocation; and

(III) Name and address of the state licensing authority that suspended or revoked the license.

(xii) Whether the applicant, or any individual required to be disclosed under this section, has ever surrendered a license, registration, certificate, or endorsement to the Board or any state funeral licensing authority.

(B) Renewal applications shall include any changes in the above information from the original application or the previous renewal application.

~~(47)~~ **(16) Renewal license.** Once issued, all original funeral service establishments, commercial embalming establishments, and crematories shall lapse on December 31 of the year of issue. Thereafter, except as provided in 235:10-3-2(11) said establishment may make application for renewal of the existing original license. The renewal application shall contain information as deemed appropriate by the Board.

~~(48)~~ **(17) Grounds for refusal.** The board may refuse to issue an original license or renew a license:

- (A) For any felony conviction, or a misdemeanor conviction related to funeral service, by any individual required to be disclosed under this sub-section, may be grounds to deny the application.
- (B) For any answer in the affirmative to 235: 10-3-2 (16)(A)(viii,ix,x,xi,xii), by any individual required to be disclosed in this sub-section.
- (C) If the Board finds the application contains false or misleading information.
- (D) If the Application is incomplete or improperly completed.
- (E) Failure to pay the license application fee.
- (F) Failure to comply with all other rules as prescribed in Section 235.
- (G) For any individual required to be disclosed under this section who is implicated in a complaint that has been found to have probable cause. The application may be tabled pending the resolution of the complaint.

NEW

235:10-7-3 Enforcement

(a) If a person violates any provision of the Funeral Services Licensing Act or any rule promulgated pursuant thereto, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with 59 O.S. §396.2a(11).

(b) the Administrative Penalties and Sanctions Schedule published following this section sets penalty limits and ranges by class of offense and number of offenses.

(c) The Board may negotiate a different penalty than outlined in the Administrative Penalties and Sanctions Schedule, in extenuating circumstances, based on the following factors:

- (1) Attempts by the licensee to correct or stop the violation;
- (2) Number of complaints previously found justified against licensee;
- (3) Whether the act was unintentional; and
- (4) Other mitigating factors that could warrant a lower penalty.

(d) Multiple violations of the Funeral Services Licensing Act or any rule promulgated pursuant thereto, may result in higher penalties. Multiple violations may consist of violation of more than one section of the law, numerous violations of the same section of the law, or a combination of both.

(e) The Board may require a licensee to issue a refund to a consumer in lieu of or in addition to assessing an administrative penalty.

(1) Class A

(A) 1st violation: \$250

(B) 2nd violation: \$500

(C) 3rd violation: \$1,000

(D) 4+ violations: up to \$2,500 and/or sanction

- (i) OAC 235:10-7-2(9) Failure to discharge a financial obligation
- (ii) OAC 235:10-7-2(15) Failure to submit application for establishment license
- (iii) OAC 235:10-7-2(18) Failure to comply with Licensing Act
- (iv) OAC 235: 10-7-2(19) Failure to comply with the Child Support Statute
- (v) OAC 235:10-7-2(25) Licensing exam invalidation

(2) Class B

(A) 1st violation: \$1,000

(B) 2nd violation: \$1,500

(C) 3rd violation: \$2,500

(D) 4+ violations: up to \$5,000 and/or sanction

- (i) OAC 235:10-7-2(3) Failure to offer or provide a printed General Price List
- (ii) OAC 235:10-7-2(4) Failure to give itemized, written statement of Goods and Services
- (iii) OAC 235:10-7-2(11) Solicitation of business
- (iv) OAC 235:10-7-2(12) Reusing of caskets
- (v) OAC 235:10-7-2(13) Charging for merchandise not contracted for
- (vi) OAC 235:10-7-2(14) Failure to file any necessary permit in a timely manner
- (vii) OAC 235:10-7-2(17) False or misleading advertising
- (viii) OAC 235:10-7-2(21) Failure to comply with a Board subpoena
- (ix) OAC 235:10-7-2(22) Obstruction of a Board investigation

Class C

(E) 1st violation: \$2,500

(F) 2nd violation: \$3,500

(G) 3rd violation: \$5,000

(H) 4+ violations: up to \$10,000 and/or sanction

- (i) OAC 235:10-7-2(1) Material misrepresentation
- (ii) OAC 235:10-7-2(2) Criminal Actions
- (iii) OAC 235:10-7-2(6) Non-licensed Funeral Director
- (iv) OAC 235:10-7-2(7) Non-licensed embalming
- (v) OAC 235:10-7-2(8) Non-registered apprentice
- (vi) OAC 235:10-7-2(10) Desecration
- (vii) OAC 235:10-7-2(16) Suspension or Revocation of license in another state
- (viii) OAC 235:10-7-2(20) Selling of bodies or body parts
- (ix) OAC 235:10-7-2(23) Forgery
- (x) OAC 235:10-7-2(24) Compromising licensing exam
- (xi) OAC 235:10-7-2(26) Violation of any of the ethics rules
- (xii) OAC 235:10-7-2(27) Aiding or abetting unlicensed practice