

**PROPOSED REGULATION OF THE  
STATE BOARD OF FUNERAL DIRECTORS**

**LCB FILE NO. R086-18I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 04/24/2018**



**State of Nevada**  
**FUNERAL AND CEMETERY SERVICES BOARD**

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**Requested Regulations Changes**

Legislation/Regulations		
Item #	Concept	Suggested Language
1	Change refrigeration language to lower the required refrigeration temperature and specify that it must be "mechanical."	<p><b>Change section 13 of LCB File number R067-15 as follows:</b></p> <p>Except as otherwise provided in this section and NAC 451.010, the operator of a crematory, funeral establishment or direct cremation facility shall ensure that each dead body of a human being is embalmed or refrigerated <i>in a Board approved and inspected mechanical refrigeration unit</i> at a temperature of not more than <del>48</del> 42 degrees Fahrenheit within 24 hours after the operator receives the human remains. <i>Transitory fluctuations up to 48 degrees Fahrenheit allowed for opening and closing of refrigeration unit.</i></p>
2	Specify that human remains placed on the floor would still be considered "directly on the floor" even if in a minimal container, casket, or body bag.	<p><b>Change section 33 of LCB File number R067-15 as follows:</b></p> <ol style="list-style-type: none"> <li>1. Each holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS shall ensure that human remains are treated with dignity and respect at all times.</li> <li>2. Human remains must be clothed or completely covered while the human remains are being refrigerated and after the human remains have been embalmed.</li> <li>3. Human remains must not be <i>placed or</i> stored directly on the floor of any room used to store human remains. For the purposes of this subsection, "floor of any room" includes the floor of a room which is part of a refrigeration unit. <i>For the purposes of this subsection, "directly on the floor" shall include human remains which have been placed in any minimal container, body bag, or casket.</i></li> <li>4. Human remains must be stored and transported face up at all times.</li> <li>5. Human remains must not be placed on other human remains for the purpose of storage or transportation. <i>For the purposes of this subsection, "placed on" other human remains shall include human remains which have been placed in any minimal container, body bag, or casket.</i></li> <li>6. The premises of any location where human remains are stored must be maintained in a sanitary and professional manner.</li> </ol>
3	Allow for reduced number of continuing education credits for individuals licensed less than 12 months prior to renewal and clarification that credits cannot carry over from previous years.	<p><b>Change section 31 of LCB File number R067-15 as follows:</b></p> <ol style="list-style-type: none"> <li>1. The hours of continuing education completed to fulfill the requirement set forth in section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951, do not need to be submitted to the Board for approval and are automatically approved if the continuing education is:           <ol style="list-style-type: none"> <li>(a) Approved by the Academy of Professional Funeral Service Practice;</li> </ol> </li> </ol>

(b) Sponsored by a national or state organization or association that administers training relating to the funeral industry; or

(c) Offered by a provider of continuing education who is approved by the Board.

2. Any continuing education that does not satisfy the requirements set forth in subsection 1 must be approved by the Board. Such approval may be obtained by applying to the Board on a form prescribed by the Board which includes, without limitation, the following information:

(a) An outline of the course;

(b) The qualifications of each presenter; and

(c) An agenda detailing the dates and times of each segment of the continuing education.

3. A licensee may obtain credit toward the required hours of continuing education by completing a crematory certification program approved by the Board pursuant to section 27 of this regulation.

4. A licensee may complete not more than 4 hours of continuing education per each period of renewal by attending, in person, a meeting of the Board if the Executive Director or a member of the Board provides the licensee at the conclusion of the meeting signed documentation of the licensee's attendance at that meeting.

5. Pursuant to section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951, proof of completion of continuing education must be maintained by the person licensed as a funeral director or embalmer for 5 years.

6. The Board will audit a percentage of licensees during each period of renewal by requiring those licensees to submit proof of completion of the required hours of continuing education before the Board issues a renewal of the licenses of those licensees.

7. Any licensee whose license is placed on inactive status is exempt from the requirements of continuing education while the license is placed on inactive status. If such a licensee subsequently wishes to reactivate his or her license pursuant to NRS 642.115 or 642.455, the licensee must provide proof to the Board of completion of 12 hours of continuing education within the 2 years immediately preceding the date of application for reactivation of the license.

8. The Board may initiate disciplinary proceedings against a licensee pursuant to NRS 642.130, as amended by section 24 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956, or NRS 642.470, as amended by section 44 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1962, based on the failure of the licensee to provide, upon request, proof of completion of continuing education as required by section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951.

*9. Any licensee licensed one year or less prior to the time of license renewal, shall be required to complete continuing education per the following number of hours;*

*A licensee licensed 6-12 months prior to renewal, shall complete 6 hours of continuing education*

*A licensee licensed 0-6 months prior to renewal, shall complete 3 hours*

		<p><i>of continuing education.</i></p> <p><i>10. Continuing education credits shall be obtained in the immediately preceding two years prior to renewal and shall not carry over from one renewal period to the next.</i></p>
4	<p>Further clarify Sec. 25 of R067-15 to state that the Board <b>may</b> issue a notice of violation for violations found during an inspection or proceed with disciplinary action without issuing a notice of violation.</p>	<p><b>Change section 25 of LCB File number R067-15 as follows:</b></p> <p>1. If an inspection of a funeral establishment, direct cremation facility, crematory or cemetery conducted pursuant to NRS 642.067, as amended by section 19 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1954, NRS 642.435, as amended by section 39 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960, or section 5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950 (NRS 642.368), reveals that the funeral establishment, direct cremation facility, crematory or cemetery is in violation of any provision of this chapter or chapter 451, 452 or 642 of NRS, the Board <del>will</del> <i>may</i> issue a notice of violation to the licensee, permittee or holder of the certificate, as applicable. The notice of violation must:</p> <p>(a) Be in writing and describe with particularity the nature of the violation; and</p> <p>(b) Indicate that the licensee, permittee or holder of the certificate is given a 30-day period after receipt of the notice to correct the violation.</p> <p>2. An inspector of the Board will verify compliance by the licensee, permittee or holder of the certificate, as applicable, with the applicable provisions of this chapter or chapter 451, 452 or 642 of NRS in a subsequent inspection.</p> <p>3. The Board may initiate disciplinary proceedings <i>without issuing a notice of violation</i> against the licensee, permittee or holder of the certificate, as applicable, pursuant to NRS 642.130, as amended by section 24 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956, NRS 642.5175 or NAC 642.180 based on any acts or violations found during such an inspection or any violations that the licensee, permittee or holder of the certificate failed to correct within the period set forth in the notice of violation <i>if one was issued</i>.</p>
5	<p>Specify the order of priority for family members authorizing disinterment.</p> <p>Authority: NRS 452.026</p>	<p><b>Create new section within NAC 451 as follows:</b></p> <p>1. A cemetery authority shall follow the order of priority in NRS 451.024 1(a) through 1(g) for any disinterment requested by a family member of a decedent.</p> <p>2. A cemetery authority may require a court order for any disinterment requested by a family member of a decedent if:</p> <p>(a) the cemetery authority has reason to believe there is any dispute between family members sharing the same level of priority; or</p> <p>(b) the individual requesting the disinterment is not the individual who ordered the initial burial or cremation</p>
6	<p>Preserve rights for decedents who order their own burial or cremation through a pre-need</p>	<p>Do not have suggested language or placement.</p>

	arrangement if fully paid for; do not allow surviving family to substantially alter the arrangements after death. i.e. change form of disposition from burial to cremation or cremation to burial.	
7	Correct error in section 24 of LCB File number R067-15 in reference to recusals set forth in NRS Chapter 281A.	Currently references NRS 281, but this was a typographical error and should be NRS 281A.