



Frequently Asked Questions



What are the requirements for license renewal?

Licenses Expire	CE Hours Required	Mandatory Courses
Funeral Directors and Embalmers - Biennial renewals are due on the last day of your birth month.	16 (All hours are allowed through home-study)	2 hours of Ethics 2 hours of Texas Mortuary Law Updates 2 Hours of Vital Statistics Requirements

How do I complete this course and receive my certificate of completion?

Online	Mail
Go to Funeral.EliteCME.com and follow the prompts. Print your certificate immediately.	Use the envelope provided or mail to Elite, PO Box 37, Ormond Beach, FL 32175. Your certificate will be e-mailed to you.

How much will it cost?

Cost of Courses		
Course Title	CE Hours	Price
Texas Mortuary Law Update (State mandatory requirement)	2	\$7.00
Texas Vital Statistics Update (State mandatory requirement)	2	\$7.00
Professional Ethics (State mandatory requirement)	2	\$7.00
Dealing with Difficult People and Situations	2	\$7.00
Grief and the Role of the Funeral Professional	3	\$7.00
History of Embalming and Restorative Arts	3	\$7.00
Religion and the Funeral Director	2	\$7.00
Entire 16-hour Course	16	\$49.00

Are you a Texas board approved provider?

Elite Continuing Education is an approved provider by the Texas Funeral Service Commission – Provider No. 125. Elite Continuing Education is an approved provider by the Academy of Professional Funeral Service Practice (APFSP) – Provider No. 1046.

Are my credit hours reported to the Texas board?

No, the Texas Funeral Service Commission requires licensees to certify at the time of renewal that he/she has complied with the continuing education requirement. The board performs audits at which time proof of continuing education must be provided.

Is my information secure?

Yes! Our website is secured by Thawte, we use SSL encryption, and we never share your information with third-parties.

What if I still have questions? What are your business hours?

No problem, we have several options for you to choose from! Online – at www.elitecme.com you will see our robust FAQ section that answers many of your questions, simply click FAQ in the upper right hand corner or Email us at office@elitecme.com or call us toll free at 1-888-857-6920, Monday - Friday 9:00 am - 6:00 pm EST.

Important information for licensees:

Always check your state's board website to determine the number of hours required for renewal, and the amount that may be completed through home-study. Also, make sure that you notify the board of any changes of address. It is important that your most current address is on file.

Texas Funeral Service Commission Contact Information
Texas Funeral Service Commission 333 Guadalupe, Tower 2, Suite 2-110 Austin, Texas 78701 Phone: (888) 667-4881 Fax: (512) 479-5064 Website: www.tfsc.state.tx.us/



Table of Contents

CE for Texas Funeral Professionals

CHAPTER 1: TEXAS MORTUARY LAW UPDATE – 2 CE Hours Page 1

This chapter covers the the new legislative changes including amendments and additions to the Texas Administrative Code, Title 22, Part 10 of Chapter 201 and Chapter 203 that went into effect October 2015.

This is a mandatory course.

Texas Mortuary Law Updates Final Exam

Page 29

CHAPTER 2: TEXAS VITAL STATISTICS UPDATE– 2 CE Hours Page 30

This course describes death registration in the Texas vital registration system. It provides instructions for completing and filing death certificates along with related permits.

This is a mandatory course.

Texas Vital Statistics Final Exam

Page 48

CHAPTER 3: PROFESSIONAL ETHICS – 2 CE Hours Page 49

Professional ethics is a vast field of study, with categories and subcategories relating to every conceivable topic and issue. Many medical and health-related disciplines establish their own ethical codes and standards of conduct, which encapsulate the compiled wisdom of countless individuals and years of professional experience. Their study offers practitioners the opportunity to learn from their predecessors' mistakes instead of their own.

This is a mandatory course.

Professional Ethics Final Exam

Page 58

CHAPTER 4: DEALING WITH DIFFICULT PEOPLE AND SITUATIONS – 2 CE Hours Page 59

Everyday we encounter difficulties and negative responses in others. What should we do when confronted by difficult people who are a pain to deal or work with? You may try to reason with the person, ignore the behavior, or respond in kind. Ignoring the person contributes to lowered morale, in general, as difficult people tend to make everyone a little more on edge. Additionally, you may feel resentful that the individual causes you distress and uses up your time and energy. Irritation and frustration can mount until tempers explode. This chapter should help you: Examine the “challenging” behaviors you encounter; understand something about why people act as they do; analyze how you react to them; and learn ways to prevent and address difficult situations.

Dealing with Difficult People and Situations Final Exam

Page 65

All 16 Hrs ONLY

\$49

Licensed in another state?

No problem!

We offer courses for:

- Arizona
- Arkansas
- Connecticut
- Florida
- Georgia
- Illinois
- Indiana
- Massachusetts
- Montana
- Nebraska
- New Jersey
- New Mexico
- Ohio
- Oklahoma
- South Carolina
- Utah
- Vermont
- Wisconsin

Visit **Funeral.EliteCME.com** to view our entire course library and get your CE today!

PLUS...

Lowest Price Guaranteed
Serving Professionals Since 1999



All Rights Reserved. Materials may not be reproduced without the expressed written permission or consent of Elite Professional Education, LLC. The materials presented in this course are meant to provide the consumer with general information on the topics covered. The information provided was prepared by professionals with practical knowledge in the areas covered. It is not meant to provide medical, legal or professional advice. Elite Professional Education, LLC recommends that you consult a medical, legal or professional services expert licensed in your state. Elite Professional Education, LLC has made all reasonable efforts to ensure that all content provided in this course is accurate and up to date at the time of printing, but does not represent or warrant that it will apply to your situation or circumstances and assumes no liability from reliance on these materials.

Table of Contents

CE for Texas Funeral Professionals

CHAPTER 5: GRIEF AND THE ROLE OF THE FUNERAL PROFESSIONAL – 3 CE Hours

Page 66

Grief is one of the few aspects of the human condition that is universal. Understanding the stages of grief, its various faces, what goes into it, and what comes out of it is the most important step in a funeral professional's journey toward being able to help mourners. The funeral professional who understands the process and is willing to help with it will not lack for opportunities.

Grief and the Role of the Funeral Professional Final Exam

Page 80

CHAPTER 6: HISTORY OF EMBALMING AND RESTORATIVE ARTS – 3 CE Hours

Page 81

This course is presented in two parts. The first part of the course discusses the history of embalming, introducing significant practitioners and authors, the invention of innovative devices and techniques, and the subdiscipline of restorative techniques. The second part of the course discusses possible risks of embalming, including those associated with formaldehyde exposure highlighted in recent research findings, and the hidden danger of arsenic in historic cemeteries.

History of Embalming and Restorative Arts Final Exam

Page 96

CHAPTER 7: RELIGION AND THE FUNERAL DIRECTOR – 2 CE Hours

Page 97

Funeral rites vary not only by religion and culture, but also by country of origin, family customs, financial resources and/or the personal preferences of the individual and families involved in the ritual. This course introduces customs and cultures characteristic of some of the world's major religions and nationalities. Differences of opinion exist not only within specific groups of faith but also between the different branches of a religion. The information presented can only begin to introduce the many varieties that exist in each category.

Religion and the Funeral Director Final Exam

Page 110

Student Final Exam Answer Sheet

Page 112

Course Evaluation

Page 113

All 16 Hrs ONLY

\$49

What if I Still Have Questions?

No problem, we have several options for you to choose from! Online – at www.elitecme.com you will see our robust FAQ section that answers many of your questions, simply click FAQ in the upper right hand corner or Email us at office@elitecme.com or call us toll free at 1-888-857-6920, Monday - Friday 9:00 am - 6:00 pm EST.

Visit **Funeral.EliteCME.com** to view our entire course library and get your CE today!

PLUS...

Lowest Price Guaranteed
Serving Professionals Since 1999





Chapter 1: Texas Mortuary Law Update

2 CE Hours

By: Elite Staff

Learning objectives

After completing this course, the participant will be able to:

- Describe the primary responsibilities of the Texas Funeral Service Commission.
- Explain the requirements needed to renew a license, i.e., continuing education, fees, criminal convictions, etc.

- Review the new legislative changes including amendments and additions to the Texas Administrative Code, Title 22, Part 10 of Chapter 201 and Chapter 203 that went into effect October 2015.
- Summarize the process of an investigation and investigative report when a violation has occurred.
- Discuss inspection procedures and regulations

Introduction

In Texas, over 178,000 residents will die each year and require the services of the death care industry. With many “baby boomers” aging, there will be a definite need for more funeral professionals to assist families in need. To protect Texans from unscrupulous, deceptive practices by funeral service professionals, the state continues to update legislation to reflect the current situations and ethical practices.

The Texas Funeral Service Commission (TFSC) is the state agency authorized by state law to regulate the death care industry in Texas. The mission of TFSC is to protect the public from deceptive practices in the funeral and death care industry through a process of impartial enforcement, inspection, licensing and education in order to guarantee every citizen’s final disposition is conducted professionally and ethically.

The TFSC is comprised of seven Commissioners appointed by the Governor with the advice and consent of the Senate. Two (2) members must be licensed as both, an embalmer and a funeral director for at least five (5) years preceding appointment, one member must be a registered cemetery owner or operator, and four members must represent the public. The public members may not be regulated under Texas Occupations Code, Chapter 651, and must consistently show an interest in supporting consumer protection. Members serve six year terms.

The TFSC operates with three (3) functional divisions The TFSC operates with three (3) functional divisions:

- Administration.
- Licensing.
- Compliance.

The laws governing the death care industry are found in the following sections:

- Texas Occupations Code (Tex. Occ. Code) Chapter 651.
- Texas Health and Safety Code Chapter 716.
- Texas Administrative Code (TAC) Title 22, Part 10.

In September of 2015, Commissioners voted to approve revision to 22 Texas Administrative Code, Chapters 201 and 203 at their commission meeting. Those updated rules took effect October 18, 2015 and most are included within this program. The statutes and rules were reorganized, thus many rule numbers have been amended or newly created to reflect these changes.

This program primarily focuses on the TAC as most of the recent updates to legislation have been in this area, and most applicable rules for funeral service professionals reside in Title 22, Part 10 of the TAC. Texas Funeral Professionals are required to complete a course in Texas Mortuary Law Updates every year, prior to renewing their license. This program covers the most current version of the Texas Administrative Code, specific to the funeral industry. All of the information in this program was taken from the TFSC under “governing laws” which includes the Texas Administrative Code, Texas Occupations Code, Chapter 651, and other governing rules and regulations. You may access this information at the Texas Funeral Service Commission’s website <http://www.tfsc.state.tx.us/Laws>.

TEXAS ADMINISTRATIVE CODE (TAC) TITLE 22 EXAMINING BOARDS PART 10: TEXAS FUNERAL SERVICE COMMISSION

The TFSC is authorized to establish rules to implement and enforce the rules and regulations. The rules are found in the following chapters of the TAC:

- TAC Chapter 201 – Licensing and Enforcement – Practice and Procedure.
- TAC Chapter 203 – Licensing and Enforcement – Subchapter A – Licensing.
- TAC Chapter 203 - Licensing and Enforcement – Subchapter B – Duties of a Funeral Establishment/Licensee.

- TAC Chapter 203 - Licensing and Enforcement – Subchapter C – Enforcement.
- TAC Chapter 205 – Cemeteries and Crematories.
- TAC Chapter 206 – Guaranteed Student Loans.
- TAC Chapter 207 – Alternative Dispute Resolution.
- TAC Chapter 209 – Ethical Standards for Person Licensed by the Commission.

TAC CHAPTER 201 – LICENSING AND ENFORCEMENT PRACTICE AND PROCEDURE

Rule §201.1 Right of licensure (effective October 18, 2015)

The Commission shall establish standards for the licensure of establishments and individuals provided for in Occupations Code Chapter 651.

Rule §201.2 Right of inspection (effective October 18, 2015)

The Commission shall inspect funeral establishments as provided for in Occupations Code Chapter 651.

Rule §201.3 Right of investigation (effective October 18, 2015)

The Commission may investigate complaints as provided for in Occupations Code Chapter 651.

Rule §201.4 Definitions (effective October 18, 2015)

The following words and terms, when used in Tex. Admin. Code, Title 22, Part 10, shall have the following meanings:

1. **Advertising** – The act of making publicly and generally known: the act of announcing publicly especially by a printed notice, electronic medium or a broadcast.
2. **Alternative container** – An unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials.
3. **At-need** – The time of need of funeral services or merchandise when a human being has become deceased.
4. **Cash advance item** – Any item of service or merchandise described to a purchaser as a “cash advance,” “accommodation,” “cash disbursement” or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser’s behalf. Cash advance items may include, but are not limited to: cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.
5. **Casket** – A rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.
6. **Commission** – The Texas Funeral Service Commission.
7. **Cremation** – A heating process which incinerates human remains.
8. **Cremation society** – A resource for sharing a common interest of learning about cremation and providing consumers the assistance to locate cremation providers in their local area or outside their local area.
9. **Direct cremation** – Disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.
10. **Funeral ceremony** – A service commemorating the deceased with the body present.
11. **Funeral goods** – Goods which are sold or offered for sale directly to the public for use in connection with funeral services. Also referred to as funeral merchandise.
12. **Funeral provider** – Any person, partnership or corporation that sells or offers to sell funeral merchandise and funeral services to the public at need.
13. **Graveside service** – A funeral ceremony with the body present held at the burial site.
14. **Holding the body hostage** – Refusing for any reason to transfer or allow the transfer of a dead human body to the person responsible for making arrangements for final disposition.
15. **Immediate burial** – Disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.
16. **Memorial service** – A ceremony commemorating the deceased without the body present.
17. **Morgue** – A place where bodies of unidentified persons or those who have died of violence or unknown causes are kept until release for burial or other lawful disposition.
18. **Person** – Any individual, partnership, corporation, association, government or governmental subdivision or agency or other entity.
19. **Pre-need** – Prearranged or prepaid funeral or cemetery services or funeral merchandise, including an alternative container, casket, or outer burial container. The term does not include a grave, marker, monument, tombstone, crypt, niche, plot, or lawn crypt unless it is sold in contemplation of trade for funeral services or funeral merchandise as defined by Finance Code Chapter 154.
20. **Refrigeration of body** – Maintenance of an unembalmed dead human body at a temperature of 34-40 degrees Fahrenheit.
21. **SOAH** – The State Office of Administrative Hearings.
22. **Unreasonable time** – The retention of excess funds for a period that exceeds ten days from the time the funds were received by the funeral establishment or its agent.

Rule §201.5 Procedures for the petition for adoption of rules (effective October 18, 2015)

- a. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 1. **Person** – Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.
 2. **Rule** – Any Commission statement of general applicability that implements, interprets, or explains any statute, law, or policy related to the death care industry or describes the procedure or practice requirements of the Commission. The term includes the amendment or repeal of a prior rule. It does not include statements concerning only the internal management or organization of the Commission not affecting private rights or procedures.
- b. Any interested person may submit a petition to the Commission requesting the adoption, amendment, or repeal of a rule. Petitions

- will be deemed submitted only when actually received in printed form by the Executive Director or his/her designee.
- c. Each petition will clearly state:
 1. The proposed rule(s), including the specific language recommended.
 2. A brief explanation of the proposed rule.
 3. The statutory or other authority under which the rule is proposed to be promulgated, including a concise explanation of the particular statute or other provisions under which the rule is proposed.
 4. The rationale or justification for the adoption, amendment, or repeal of the rule, including the public benefit to be expected.
 - d. If the petition cannot be placed on the next regularly scheduled Commission agenda within 60 days after receiving the petition, the Executive Director shall automatically deny the petition and notify the petitioner of the denial. A petitioner may waive the 60 day response period in writing.

- e. When a petition is received that meets the requirements of subsection (c) of this section and is not automatically denied under subsection (d) of this section, the Executive Director will forward the petition to the Presiding Officer of the Commission who will either assign the task to staff or an appropriate group of interested persons to study the petition and make a recommendation to the Commissioners.
- f. The Commissioners will consider the submission of a petition and may either deny the petition or instruct the Executive Director to initiate rulemaking proceedings in accordance with the Administrative Procedure and Texas Register Act.
- g. In the event a petition is denied, the Executive Director will advise the interested person who submitted the petition in writing of the denial and will state the reason for the denial by the Commissioners.

Rule §201.6 Negotiated rulemaking (effective Oct. 18, 2015)

The Commission may engage in negotiated rulemaking to assist in the drafting of proposed rules if the Executive Director determines it is advisable to proceed under the procedures established in Government

Code Chapter 2008. If the Executive Director concludes that formal negotiated rulemaking is not advisable, the Commission may nonetheless engage in informal negotiated rulemaking.

Rule §201.7 Preparation and dissemination of consumer information (effective Oct. 18, 2015)

- a. The Commission shall prepare and disseminate to the general public information of consumer interest explaining matters relating to funerals and the funeral industry, describing the regulatory functions of the Commission, and describing the Commission's procedure by which consumer complaints are filed and resolved by the Commission.
- b. The Commission shall review and revise the information of consumer interest prepared and disseminated by the Commission on a biennial basis.
 1. Any person or groups of persons may submit in writing any proposal concerning the content and/or the methods of dissemination of information of consumer interest prepared and disseminated by the Commission. Once submitted, such proposal shall become the property of the Commission and will not be returned.
 2. The Commission shall review any proposals submitted to the Commission in writing concerning the content and/or method of dissemination of information of consumer interest.
- c. Information of consumer interest prepared and disseminated by the Commission shall be available to the general public through funeral establishments. The funeral director in charge shall prominently display Commission consumer brochures in the public view within the funeral establishment.
- d. Information of consumer interest prepared and disseminated by the Commission shall also be available, upon request, to individuals and interested organizations or institutions, such as, better business bureaus, hospice groups, consumer groups, libraries, and legislators.

Rule §201.8 Computation of time

In computing any period of time prescribed or allowed by Tex. Admin. Code, Title 22, Part 10, by Order of the Commission, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day the act occurred,

unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

Rule §201.9 Subpoenas

The Executive Director may issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of

books, records, documents, and /or other material relevant to the complaint under investigation or pending at SOAH.

Rule §201.10 Witness travel reimbursement

The Commission may reimburse a witness in a SOAH hearing for travel expenses at the rates established by the General Appropriations Act for classified employees of the Commission. All documentation

required of classified employees would be required of witnesses in order to be compensated.

Rule §201.11 Correspondence and notice

- a. All correspondence to an establishment or to a licensee shall be sent to the mailing address of record as reflected on the initial license application or as otherwise provided by the establishment or licensee.
- b. Notice shall be deemed complete upon deposit by the Commission in a postpaid, properly addressed envelope. The correspondence must be placed in a post office or official depository under the care and custody of the United States Postal Service, FedEx, UPS or any other over-night mail delivery service.

Rule §201.12 Charges for providing copies of public information

The Commission determines charges for public information in accordance with the rules of the Office of the Attorney General at Tex. Admin. Code, Title 1, Part 3, §70.3.

Rule §201.13 Executive director

- a. The Commission shall employ an Executive Director to manage the administrative affairs of the Commission under the Commissioners' discretion.
- b. The Commission may delegate the Commissioners' duties to the Executive Director.
- c. In the event of the Executive Director's absence or if the Executive Director is unable to act, the Presiding Officer of the Commission may designate an Acting Executive Director to perform the Executive Director's duties.

Rule §201.14 Introduction to joint memorandum of understanding

- a. Occupations code §651.159 mandates the Texas Department of Banking, the Texas Funeral Service Commission, and the Texas Department of Insurance to adopt by rule a Joint Memorandum of Understanding (JMOU) relating to prepaid funeral services and transactions that:
 - 1. Outlines the responsibilities of each agency in regulating these services and transactions.
 - 2. Establishes procedures to be used by each agency in referring complaints to one of the other agencies.
 - 3. Establishes procedures to be used by each agency in investigating complaints.
 - 4. Establishes procedures to be used by each agency in notifying the other agencies of a complaint or of the investigation of a complaint.
 - 5. Describes actions the agencies regard as deceptive trade practices.
 - 6. Specifies the information the agencies provide consumers and when that information is to be provided.
 - 7. Sets the administrative penalties each agency imposes for violation.
- b. Any revisions to the JMOU will be adopted by rule by each agency.
- c. The JMOU entered into by the three agencies is found at §201.15 of this title.
- d. Nothing in this rule or in §§201.15 - 201.16 of this title shall be construed as prohibiting any agency from taking independent disciplinary action or assessing administrative penalties under their own statute or rules. The JMOU does not limit the authority of any agency, acting in its own capacity under state or federal law, to investigate complaints that fall within that agency's statutory jurisdiction.

Rule §201.15 Joint memorandum of understanding

- a. Pursuant to Occupations Code §651.159, the Texas Funeral Service Commission (herein referred to as the "TFSC"), the Texas Department of Insurance (herein referred to as the "TDI"), and the Texas Department of Banking (herein referred to as the "DOB") hereby adopt the following joint memorandum of understanding (JMOU) relating to prepaid funeral benefits as defined in Finance Code Chapter 154. The TFSC, TDI, and DOB intend this memorandum of understanding to serve as a vehicle to assist the three agencies in their regulatory activities, and to make it as easy as possible for a consumer with a complaint to have the complaint acted upon by all three agencies, where appropriate. In order to accomplish this end, where not statutorily prohibited, the three agencies will share information between the agencies which may not be available to the public generally under the Public Information Act, Government Code Chapter 552. Such information will be transmitted between agencies with the understanding that it is considered confidential, is being furnished to the other agencies in furtherance of their joint responsibilities as state agencies in enforcing their respective statutes, and that it may not be disseminated to others except as required.
- b. Responsibilities of each agency in regulating prepaid funeral benefits:
 - 1. The Texas Funeral Service Commission is responsible for the following:
 - A. Licensing funeral directors, embalmers, provisional funeral directors, provisional embalmers, crematory, and funeral establishments. The TFSC may refuse to license a person or establishment which violates Finance Code Chapter 154 under Occupations Code §651.460(b)(3).
 - B. Taking action under Occupations Code §651.460(b)(3) against any licensee violating Finance Code Chapter 154.
 - C. Taking action under Occupations Code §651.460(b)(3) against any funeral director in charge, crematory owner, and/or funeral establishment owner for violations of Finance Code Chapter 154 by persons directly or indirectly connected to the crematory or funeral establishment.
 - 2. The Texas Department of Banking is responsible for administering Finance Code Chapter 154, and 7 Texas Administrative Code (TAC) Chapter 25, including, but not limited to, the following:
 - A. Bringing enforcement actions against any person, including licensees of TFSC and TDI, who violate Finance Code Chapter 154 and/or 7 TAC Chapter 25.
 - B. All other actions authorized by Finance Code Chapter 154 and 7 TAC Chapter 25.
 - 3. The Texas Department of Insurance is responsible for the following:
 - A. Regulating insurers that issue or propose to issue life insurance policies or annuity contracts which may fund prepaid funeral contracts.
 - B. Regulating individuals/entities that perform the acts of an insurance agent(s) as defined in the Insurance Code Article 21.02 and Chapter 101.
 - C. Regulating insurance/annuity contracts that may fund prepaid funeral contracts.
 - D. Regulating unfair trade practices relating to the insurance/annuity contracts which may fund prepaid funeral contracts pursuant to the Insurance Code Article 21.21.
 - E. Regulating unfair claims settlement practices by insurance companies pursuant to the Insurance Code Chapter 542.
- c. Procedures used by each agency in exchanging information with or referring complaint to one of the other agencies:
 - 1. Exchanging information. If, upon receipt of a complaint, or during the course of an investigation, an agency (referred to as the receiving agency) receives any information that might be deemed of value to another of the agencies (referred to as the reviewing agency), the receiving agency will contact the

- reviewing agency and will forward the relevant information to the reviewing agency at its request.
2. Referral of complaints for handling. When an agency receiving a complaint refers the complaint to another agency for handling, the receiving agency will contact the complainant in writing informing him or her of the referral, provide contact information to the reviewing agency's processing of the complaint.
 3. Complaint procedures. The three agencies will work together to establish procedures to ensure complaints will be fully resolved by the reviewing agency.
 - d. Procedures to be used by each agency in investigating a complaint:
 1. All agencies:
 - A. Each agency will develop internal complaint procedures for violations relating to prepaid funeral benefits. The procedures should at a minimum provide for:
 - (i) Identification of necessary data and documents to be obtained from the complainant.
 - (ii) Such other steps deemed necessary for the agency to perform an adequate and appropriate investigation.
 - B. Each agency may assist either of the other agencies with investigations relating to prepaid funeral benefits.
 2. The Texas Funeral Service Commission.
 - A. Complaints received by the TFSC will be logged in and investigated as required under Occupations Code Chapter 651. A complaint about violations of Finance Code Chapter 154 and/or 7 TAC Chapter 25 will be referred to the DOB.
 - B. If disciplinary action against a licensee of the TFSC is found to be appropriate, the matter will be referred to the Administrator of Consumer Affairs & Compliance Division of TFSC.
 - C. If the complaint involves a matter handled by either the DOB or TDI, as well as a violation of the TFSC statutes or regulations, it will be referred to the appropriate agency for further action. DOB will be primarily responsible for enforcing violations of Finance Code Chapter 154 or 7 TAC Chapter 25. The agencies will coordinate their investigations to avoid duplication of effort.
 3. Texas Department of Banking.
 - A. Complaints received by the Special Audits Division will be entered into a complaint log and assigned a reference number. If, after agency notice to the subject of the complaint, the complaint is not resolved, the DOB will investigate.
 - B. If disciplinary action against a person who violated Finance Code Chapter 154 or 7 TAC Chapter 25 is appropriate, the matter will be referred to the agency's legal staff.
 - C. If the complaint involves a matter handled by either the TDI or TFSC, as well as a violation of Finance Code Chapter 154 or 7 TAC Chapter 25, the DOB will coordinate with those agencies DOB will be primarily responsible for enforcing violations of Finance Code Chapter 154 or 7 TAC Chapter 25.
 - D. In the event that the DOB issues an order against a person or entity who is a licensee under the jurisdiction of the TFSC or the TDI, the DOB will send the TFSC and the TDI a copy of the order.
 4. Texas Department of Insurance.
 - A. Complaints received by the Consumer Protection Division of TDI will be logged in and investigated, except that if a complaint is solely violations of Finance Code Chapter 154 and/or 7 TAC Chapter 25, the complaint will be referred to the DOB. Other areas of TDI can be called upon for assistance in the investigation of the complaint where appropriate.
 - B. If disciplinary or other regulatory action against a licensee of the TDI is found to be appropriate, the matter will be referred to the Compliance Intake Unit of TDI.
 - C. If the complaint involves a matter handled by either the DOB or TFSC, as well as a violation of the TDI statutes or regulations, it will be referred to the appropriate agency for further action. DOB will be primarily responsible for enforcing violations of Finance Code Chapter 154 or 7 TAC Chapter 25. The agencies will coordinate their investigations to avoid duplication of effort.
 - D. In the event that the Commissioner of Insurance issues an order against a person that also sells, funds or provides prepaid funeral benefits or is subject to the jurisdiction of the DOB or the TFSC, the TDI will send the DOB and the TFSC a copy of the order.
 - e. Actions the agencies regard as deceptive trade practices:
 1. The TFSC, the DOB, and the TDI regard as deceptive trade practices those actions found under Business and Commerce Code §17.46.
 2. With respect to trade practices within the business of insurance, the TDI regards as deceptive trade practices those actions found under Insurance Code Chapter 541, other chapters of the Code and the regulations promulgated by the TDI there under.
 - f. Information the agencies will provide consumers and when that information is to be provided:
 1. TFSC, DOB, and TDI will continue to provide consumers with the brochure entitled "Facts About Funerals" developed by TFSC (in Spanish and in English). DOB will continue to provide consumers with information on its website in accordance with Finance Code §154.132, including the informational brochure developed in accordance with Finance Code §154.131.
 2. DOB, TDI, and TFSC will maintain their toll free numbers.
 3. TFSC, DOB, and TDI, as state agencies, are subject to the Public Information Act, Government Code Chapter 552. Upon written request, the three agencies will provide consumers with public information which is not exempt from disclosure under that Act. As noted in the preamble to this JMOU, the agencies may, where not statutorily prohibited, exchange information necessary to fulfill their statutory responsibilities among each other, without making such information public information under the Public Information Act.
 - g. Administrative penalties each agency imposes for violations.
 1. Texas Funeral Service Commission. The TFSC may impose an administrative penalty, issue a reprimand, or revoke, suspend, or place on probation any licensee who violates Finance Code Chapter 154. TFSC administrative penalties vary based on the violation; TFSC sanctions are imposed under Occupations Code Chapter 651.
 2. Texas Department of Banking. DOB administrative penalties vary based on the violation; DOB sanctions are imposed under Finance Code Chapter 154.
 3. Texas Department of Insurance. TDI administrative penalties vary based on the violation; TDI sanctions are imposed under Insurance Code Chapter 82.

Rule §201.16 Memorandum of understanding with the Texas department of state health services

- a. Purpose: The purpose of this section is to implement Texas Occupations Code Chapter 651, 76th Legislature, 1999, and Health and Safety Code Chapters 193 and 195. In an effort to better protect the public health, safety and welfare, it is the legislative intent of the laws of the Texas Department of State Health Services (Department) and the Texas Funeral Service Commission (TFSC) to adopt by rule a memorandum of understanding to facilitate cooperation between the agencies by establishing joint

procedures and describing the actual duties of each agency for the referral, investigation, and resolution of complaints affecting the administration and enforcement of state laws relating to vital statistics and the licensing of funeral directors and funeral establishments.

b. Scope:

1. The Memorandum of Understanding (MOU) includes the respective responsibilities of the Department and the TFSC in regulating any person or entity under the Health and Safety Code Chapters 193 and 195, concerning the completion and filing of death records.
2. The Department and the TFSC will implement the cooperative procedure described in this memorandum to refer complaints to the other agency when that complaint falls within the other agency's jurisdiction or may have an effect on the administration and enforcement of the law for which the other agency is responsible.
3. The Department and the TFSC will implement the cooperative procedure described in this MOU in order to notify the other agency of violations of Health and Safety Code Chapters 193 and 195; and Texas Occupations Code Chapter 651 by funeral directors and funeral establishments, and to assist and encourage funeral directors, embalmers, and funeral establishments to conform their activities relating to the completion and filing of death records.
4. The MOU does not limit the authority of either agency, acting in its own capacity under state or federal law, to investigate complaints that fall within that agency's statutory jurisdiction.

c. Definitions: The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

1. Agency – Texas Department of State Health Services or the Texas Funeral Service Commission.
2. Death record – A report of death, death certificate, or a burial-transit permit, and such other forms as the Texas Department of State Health Services determine to be necessary.
3. Department – The Texas Department of State Health Services or any local registrar.
4. Funeral Director – A person who for compensation engages in or conducts, or who holds himself out as being engaged, for compensation, in preparing, other than the embalming, for the burial or disposition of dead human bodies, and maintaining or operating a funeral establishment for the preparation and disposition, or for the care of dead human bodies.
5. Funeral establishment – A place of business used in the care and preparation for burial or transportation of dead human bodies, or any other place where one or more persons, either as sole owner, in co-partnership, or through corporate status, represent themselves to be engaged in the business of embalming and/or funeral directing, or is so engaged.
6. Local registrar –
 - A. The justice of the peace is a local registrar of births and deaths in a justice of the peace precinct. However, the duty of registering births and deaths may be transferred to the county clerk if the justice of the peace and the county clerk agree in writing and the agreement is ratified by the commissioners court.
 - B. The municipal clerk or secretary is the local registrar of births and deaths in a municipality with a population of 2,500 or more.
 - C. If a local registrar fails or refuses to register each birth and death in the district or neglects duties, the county judge or the mayor, as appropriate, shall appoint a new local registrar and shall send the name and mailing address of the appointee to the state registrar.

7. Person –

- A. Includes corporation, organization, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- B. Includes individual, corporation, or association where enforcement of Health and Safety Code Chapter 195 is involved.

8. Physician – Any individual licensed by the Texas Medical Board to practice medicine in this state.

d. Delegation of responsibilities. The Department and TFSC agree that the agencies shall have the following responsibilities.

1. The Department shall have primary responsibility for the enforcement of the laws, rules, and policies governing the collection and maintenance of a system of vital statistics, including the collection and maintenance of death records for the State of Texas. Except as may be otherwise provided by law, the Department shall:
 - A. Design the format and prescribe the data to be entered on all forms that constitute the death records of the state.
 - B. Prescribe the rules and procedures to be followed by a funeral director licensed by TFSC in executing his/her responsibility to secure the required data and file the completed death record.
 - C. Establish rules or policies to determine when a local registrar may accept the filing of a death record by a funeral director or the funeral director's designee and the purposes for which each record may be used, including the filing and uses of a delayed death certificate.
 - D. Enforce the provisions of the Health & Safety Code (Code) Chapter 193, in accordance with Chapter 195 of the Code relating to criminal penalties for violations of laws relating to vital statistics. These laws include Chapters 191, 192, and 193 of the Code and rules adopted thereunder. If the state registrar knows or suspects that a funeral director or a funeral establishment has violated the provisions of §195.003 or other provisions of Title 3 of the Code, he or she shall report the violation to the appropriate district or county attorney for prosecution.
2. The Texas Funeral Service Commission (TFSC) shall have primary responsibility for the enforcement of the laws, rules, and policies governing the licensing of funeral directors, embalmers, funeral and commercial embalming establishments. Except as may be otherwise provided by law, the TFSC has authority:
 - A. To inspect a funeral establishment for violations of Chapter 193 of the Code.
 - B. To assess an administrative penalty or to reprimand, revoke, suspend, probate, deny or impose any combination of sanctions against a licensee in accordance with Texas Occupations Code Chapter 651, if the licensee has violated Chapter 193 or 195 of the Code or 25 TAC Chapter 181 of the Department rules.
3. Referral, investigation, and resolution of complaint.
 - A. If the Department receives a complaint that alleges conduct by a funeral director or a funeral establishment that constitutes possible violations of Texas Occupations Code Chapter 651, or the rules adopted by TFSC under authority of Texas Occupations Code Chapter 651, the Department may refer the complaint to the TFSC for investigation and disposition; however, if the complaint describes conduct by any person or entity licensed under Texas Occupations Code Chapter 651 that constitutes possible violations of Chapters 193 and 195 of the Code, the Department shall retain jurisdiction over the subject matter of the complaint, investigate the complaint, and if valid, shall file a complaint with TFSC; or the Department

or any local vital statistics registrar may refer the complaint to TFSC for investigation and adjudication.

- B. If TFSC receives a complaint that alleges conduct by any person that constitutes possible violations of Title 3 of the Code, TFSC shall immediately notify the Department of the complaint for any appropriate action by the Department.
- C. If either agency receives a complaint that alleges facts that constitute a violation of any other law, the complaint shall be referred to the appropriate state administrative agency or state or local law enforcement agency.
- D. Each agency shall appoint at least one person to an interagency team that will meet at least biannually and at that time review each unresolved complaint that affects the agencies jointly.
 - i. If the complaint has not been referred for investigation and resolution, the team will refer the complaint to the Department, TFSC, or other appropriate state administrative or law enforcement agency, including the State Board of Medical Examiners, or local law enforcement agency.
 - ii. If the Department and the TFSC determine that a complaint has been incorrectly referred, they will refer the complaint appropriately.
- E. To the extent allowed by law, each agency shall cooperate and assist the other in the investigation and resolution of

complaints. The following actions may be taken where indicated in the other's enforcement actions.

- i. Either agency may request the assistance of the other in the investigation of a complaint.
- ii. Each agency may share information obtained during the complaint investigation with the other agency when the subject matter of the complaint affects both agencies.
- iii. Any information obtained by the TFSC as a result of a complaint investigation is not subject to public disclosure under the Government Code §552.101, by virtue of Texas Occupations Code Chapter 651, §651.203, until the case has reached its final disposition.
- iv. Each agency shall make its personnel available to testify in an administrative or judicial proceeding brought on behalf of the other agency, when the personnel has knowledge of information that is material to the subject matter of the proceeding.
- e. Effective date. This section shall become effective on August 1, 1994. The MOU may be amended at any time upon mutual agreement of the agencies and the amendments are effective as to each agency 20 days after the adopted amendments are filed with the Texas Register.

Rule §201.17 Severability clause

The provisions of each section of the rules of the Commission are separate and severable from one another. If any provision is

determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

TAC CHAPTER 203 LICENSING AND ENFORCEMENT

SUBCHAPTER A. LICENSING

Rule §203.1 Funeral director and embalmer license requirements and procedure

- a. A person may not engage in funeral directing or embalming in this state without holding a license issued by the Commission, unless the person is a mortuary student acting under the supervision and direction of a licensed funeral director or embalmer.
- b. An applicant for a license shall meet the eligibility requirements of Occupations Code, §651.253.
- c. The period of a license is two years beginning on the first day of the licensee's birth month. The initial licensing period may be less than two years.
- d. The licensing fee must be paid before a license is issued. If the initial licensing period is less than two years, the licensing fee shall be prorated.
- e. A person who does not receive a full license by exiting directly from the Commission's provisional license program or reciprocate from another state may apply for full licensure. The person must have been a provisional license holder in Texas no more than 24 months prior to application. The applicant shall complete an application, provide required proof of eligibility, pay an application fee, re-take and pass the State Mortuary Law Examination, and submit to a criminal background check.
- f. Renewal procedures and conditions.
 - 1. A license may be renewed prior to its expiration if the licensee has paid the renewal fee and met the continuing education requirements of §203.8 of this title.
 - 2. A person whose license is expired for 90 days or less, may renew the license by meeting the continuing education requirements of §203.8 of this title and paying a renewal fee that is one and a half times the amount of the normal renewal fee.
- 3. A person whose license is expired for more than 90 days but less than one year may renew the license by meeting the continuing education requirements of §203.8 of this title and paying a renewal fee that is two times the amount of the normal renewal fee.
- 4. A person whose license has been expired for one year or more may reinstate the license by meeting the following requirements:
 - A. Retaking and passing the State Mortuary Law Examination.
 - B. Payment of any applicable fees, including a renewal fee that is equal to two times the normally required renewal fee.
 - C. Completion of the continuing education requirements of §203.8 of this title.
- 5. Notwithstanding paragraph (4) of this section, a person whose license has been expired for one year or more may reinstate the license without retaking the applicable examination if the person has been licensed and practicing in another state for the two years preceding the application for reinstatement. The applicant must pay a renewal fee that is equal to two times the normally required renewal fee.
- g. A licensee serving as an active military service member as defined by Occupations Code, Chapter 55, is exempt from the payment of license fees for the duration of the holder's military service or for anytime the Commission considers advisable.

Rule §203.2 Military licensing

- a. This subsection applies to a military service member, military veteran or military spouse as defined by Occupations Code Chapter 55.
- b. The Commission shall issue an expedited license to an applicant described in subsection (a) of this section who:
 1. Holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.
 2. Within the five years preceding the application date held a license in this state.
- c. The Executive Director may allow an applicant described under subsection (b) of this section to demonstrate competency by alternative methods in order to meet the requirements for obtaining a particular license issued by the Commission. In lieu of the standard method(s) of demonstrating competency for a particular license, and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Commission:
 1. Education.
 2. Continuing education.
 3. Examinations (written and/or practical).
 4. Letters of good standing.
 5. Letters of recommendation.
 6. Work experience.
 7. Other methods required by the Executive Director.
- d. The Commission shall waive any application or examination fees for an applicant who is:
 1. A military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license.
 2. A military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

Rule §203.3 Retired/disabled license

- a. At the time of license renewal, any licensed Funeral Director, Embalmer or dual licensee aged 65 or older will be placed in a retired, active status. Upon written application to the Commission, a licensee may be placed in a Retired, Inactive status.
- b. Upon written application to the Commission, any licensed Funeral Director, Embalmer or dual licensee with a disability of 75% or greater will be placed in a disabled, active or disabled, Inactive status. Proof of disability will be required at the time of the application. If the Commission questions the validity of the certification, a certification from a second source may be required.
- c. Submission of required documentation does not imply a guarantee of acceptance of documentation or approval of the application.
- d. Any individual holding an inactive license will be subject to disciplinary action if the individual performs any act of funeral directing and/or embalming.
- e. Any individual holding an inactive license may convert at any time to either a retired, active or disabled, active license upon written notification to the Commission, payment of applicable licensing fees, and meeting the continuing education requirements of §203.8 of this title.

Rule §203.8 Continuing education

- a. Each person holding an active license and practicing as a funeral director or embalmer in this state is required to participate in continuing education as a condition of license renewal.
- b. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 1. Approved provider—Any person or organization conducting or sponsoring a specific program of instruction that has been approved by the Commission.
 2. Approved program—A continuing education program activity that has been approved by the Commission. The program shall contribute to the advancement, extension, and enhancement of the professional skills and knowledge of the licensee in the practice of funeral directing and embalming by providing information relative to the funeral service industry and be open to all licensees.
 3. Hour of continuing education—A 50 minute clock hour completed by a licensee in attendance at an approved continuing education program.
- c. Approval of continuing education providers.
 1. A person or entity seeking approval as a continuing education provider shall file a completed application on a form provided by the Commission and include the continuing education provider fee and the fee for each course submitted. Governmental agencies are exempt from paying this fee.
 2. National or state funeral industry professional organizations may apply for approval of seminars or other courses of study given during a convention.
 3. An application for approval must be accompanied by a syllabus for each course to be offered which specifies the course objectives, course content and teaching methods to be used, and the number of credit hours each course is requesting to be granted, and a resume and description of the instructor's qualifications.
- d. Responsibilities of approved providers.
 1. A provider is not approved until the Commission accepts the application and issues a provider number for the provider and a course number for each course offered under that provider number. The Commission may refuse to approve a provider's application for any valid reason, as determined by the Commission.
 2. A provider number and course number are valid for one year, expiring on December 31st of each year, regardless of when the number was granted.
 3. The provider shall verify attendance at each program and provide a certificate of attendance to each attendee. The certificate of attendance shall contain:
 - A. The name of the provider and approval number.
 - B. The name of the participant.
 - C. The title of the course or program, including the course or program number.
 - D. The number of credit hours given.
 - E. The date and place the course was held.
 - F. The signature of the provider or provider's representative.
 - G. The signature of the attendee.
 4. The provider shall provide a mechanism for evaluation of the program by the participants, to be completed at the time the program concludes.
 5. The provider shall maintain the attendance records and evaluations for a minimum of two years after the course is

- presented. A copy of the evaluations and/or attendance roster shall be submitted to the Commission upon request.
4. The provider shall be responsible for ensuring that no licensee receives continuing education credit for time not actually spent attending the program.
 5. The Commission may monitor any continuing education course with or without prior notice.
- e. Credit hours required.
1. Licensed funeral directors and embalmers who actively practice in this state are required to obtain 16 hours of continuing education every two year renewal period. A licensee may receive credit for a course only once during a renewal period.
 2. The following are mandatory continuing education hours and subjects for each renewal period:
 - A. Ethics—two credit hours—this course must at least cover principals of right and wrong, the philosophy of morals, and standards of professional behavior.
 - B. Law updates—two credit hours—this course must at least cover the most current versions of Occupations Code Chapter 651, and the Rules of the Commission.
 - C. Vital statistics requirements and regulations—two credit hours—this course must at least cover Health and Safety Code Chapters 193, 711 - 715, and Tex. Admin. Code, Title 25, Chapter 181.
 1. It is the responsibility of the licensee to track the number of hours accumulated during a licensing period.
- f. The Commission will grant the following credit hours toward the continuing education requirements for license renewal.
1. One credit hour is given for each hour of participation, except in accredited college courses taken for school credit. Such college courses will be evaluated by the Commission on an individual basis for a certification fee set by the Commission. College hour credit does not count toward the mandatory continuing education outlined in subsection (e)(2) of this section.
 2. A person is eligible for a maximum of five credit hours per renewal period for provisional licensee supervision, regardless of the number of provisional licensees supervised.
 3. A presenter or instructor of approved continuing education is eligible for a maximum of five credit hours per renewal period for instruction, regardless of the number of times the course is presented.
 4. All required hours may be obtained through independent study, including home study or Internet presentation with a maximum of three hours credit per course.
 5. A person is eligible for a maximum of four credit hours per renewal period for attendance at Commission meetings, provided the licensee signs in and is present during the entirety of the meeting.
- g. Exemptions, waivers, reactivation, and conversion.
1. An individual whose renewal date is 12 months or less following initial licensure is not required to obtain continuing education hours prior to renewal of the license. An individual whose renewal date is more than 12 months following first licensure is required to complete the mandatory continuing education outlined in subsection (e)(2) of this section.
 2. Individuals licensed in Texas, but not practicing in the state, are required to obtain the mandatory continuing education outlined in subsection (e)(2) of this section. Any individual who returns to practice in this state shall, before the next license renewal period, meet the continuing education requirements before resuming any funeral directing and/or embalming activities in the state.
 3. Persons in retired, inactive or disabled, inactive status are exempt from continuing education requirements.
 4. Persons in retired, active or disabled, active status are required to obtain 10 hours of continuing education, including the mandatory continuing education outlined in subsection (e)(2) of this section.
 5. Persons converting from an inactive status to a retired, active or disabled, active status shall obtain the continuing education hours required in paragraph (4) of this subsection.
 6. Persons in an active military status are eligible for exemption from the continuing education requirements, upon request. A copy of the active duty orders must be included in the request. Upon release from active duty and return to residency in the state, the individual shall meet the continuing education requirements before the next renewal period after the release and return.
 7. The Commission may allow a licensee to carry over to the next renewal period up to 10 credit hours earned in excess of the continuing education renewal requirements, except for the mandatory continuing education outlined in subsection (e)(2) of this section.
 8. The Executive Director may authorize full or partial hardship exemptions from the requirements of this section based on personal or family circumstances and may require documentation of such circumstances.
 - A. The hardship request must be submitted in writing at least 30 days prior to the expiration of the license.
 - B. Hardship exemptions will not be granted for consecutive licensing periods.
- h. Failure to comply.
1. The Commission will not renew the license of an individual who fails to obtain the required 16 hours of continuing education, except as provided by paragraph (2) of this subsection.
 2. A noncompliance fee must be paid before a license is eligible for renewal if the individual has not obtained the required 16 hours of continuing education.
 - A. The noncompliance fee may only be used in lieu of obtaining the required continuing education for every other biennial renewal period.
 - B. The noncompliance fee and allowance for every other renewal period does not eliminate the necessity of obtaining the mandatory continuing education outlined in subsection (e)(2) of this section.
- i. Any licensee receiving or submitting for credit continuing education hours in a fraudulent manner shall be required to obtain all continuing education on site and not online for two consecutive renewal periods and shall be subject to any applicable disciplinary action.

Rule §203.9 Licensure of funeral establishments and commercial embalming establishments

- a. New license applications.
1. Applications for licensure must be submitted on forms developed by the Commission. Applications shall be accompanied by applicable licensing fees, purchase agreement forms, all price lists, and embalming case report forms to be used, if applicable, which reflect the establishment's name.
 2. The passage of an inspection is mandatory for a new establishment seeking its initial licensure and for previously licensed establishments that have changed physical location.
 3. The license shall be issued to the establishment's owner.
 4. A change of name or physical address requires the submission of a new establishment license application.

5. A new license will not be issued unless all fees have been paid. Prior to a new license being issued under subsection (4) of this section, any outstanding penalties of the previous establishment, if any, must be paid or the Commission must be in possession of evidence that the applicant is current on a payment plan or that the penalties are the subject of an administrative hearing or judicial review.
6. A license expires on the last day of the month 12 months from the date of issue.
- b. Renewal applications
 1. The renewal period of a license is 12 months.
 2. A late renewal fee will be assessed for an application for renewal which has been postmarked after its renewal date.
 3. Establishments may be inspected upon the submission of a renewal application.
 4. A renewal license will not be issued unless all fees and outstanding penalties, if any, have been paid or the Commission's records reflect that the applicant is current on a payment plan or that penalties previously assessed are the subject of an administrative hearing or judicial review.
5. The Commission may investigate any circumstances involved with the renewal of any license as provided for in Occupations Code Chapter 651.
- c. A funeral establishment or commercial embalming facility may effect a change of ownership by either submitting a new license application under subsection (a) or by notifying the Commission, on a form prescribed by the Commission, within 30 days. In submitting the form, the new owner must attest to the information contained on the form and must submit any documentation required by the Commission.
- d. The Commission may refuse to issue a new license or to renew an outstanding license or may revoke an establishment's license if it determines that the license application or the change of ownership affidavit contains materially false information or that a person whose individual license to practice funeral directing or embalming is currently suspended or revoked owns the establishment or an interest in the establishment.

Rule §203.11 Establishment names and advertising

- a. Each application for licensure shall contain the name to be used on the license.
- b. Upon receiving an application for a new establishment license, the Commission shall review establishment names in its database. The Commission shall issue the license in the requested name when all licensing requirements are satisfied, unless the Commission determines that the name is deceptively or substantially similar to the name of another licensed establishment in the same county, metropolitan area, municipality, or service area. In these instances, the Executive Director shall deny a license for a name that is deceptively or substantially similar to the name of another establishment, unless that establishment agrees in writing to the name's use.
- c. An establishment's licensed name may be changed by following the procedure outlined in §203.9 of this title and by satisfying the requirements of subsection (b) of this section.
- d. An applicant for approval of a new or changed name may appeal the Executive Director's denial of the request to the Commissioners. The Commissioners' decision is final.
- e. All advertising on a website controlled by an entity licensed by the Commission must operate as follows:
 1. The licensed name of the entity, or a registered trademark or registered trade name belonging to the licensed entity must appear on the contact information page.
 2. Irrespective of the name on the website, provisions must be made on the website so that an individual who wishes to enter into a funeral-related transaction must not be able to complete such a transaction without openly and apparently dealing with the licensed entity under the licensed name as reflected in the records of the Commission.
 3. All locations advertised shall be licensed by the Commission.
- f. No funeral establishment, commercial embalming establishment, crematory, or cemetery shall advertise in a manner which is false, misleading, or deceptive.
- g. A cremation society's website and any advertising shall be linked with a licensed funeral establishment or licensed crematory establishment. The licensed funeral establishment and its location shall be provided on the website or advertising.

Rule §203.13 Franchise tax

- a. Any taxable entity, as defined under Tax Code §171.0002, contracting with the Commission and/or any taxable entity that is an applicant for a license or permit issued by the agency must certify in writing, on a form provided by the agency, that its right to transact business in Texas is active, that it is exempt from payment of the franchise tax or that it is an out-of-state entity that is not subject to the franchise tax.
- b. The making of a false statement as to franchise tax status on any license or permit application shall be grounds for disciplinary action.
- c. The making of a false statement as to franchise tax status with regards to a state contract shall be grounds for cancellation of the contract at the option of the agency by treating the statement as a material breach of contract.

Rule §203.14 State agency action as a basis for license suspension, revocation or denial

- a. Any licensed establishment, funeral director or embalmer shall be subject to license suspension, license revocation or denial of license renewal upon a verified showing by any state agency with statutory authority that such licensee is delinquent or in default of an obligation to, a guarantee by, or an interest protected by the state.
- b. Any licensee subject to action under this section by the Commission shall be afforded an opportunity for a hearing before SOAH in the same manner as other licensees subject to Commission action unless such hearing has been provided under other applicable laws.

Rule §203.15 Required notification of criminal conviction

- a. An applicant for licensure shall disclose in writing to the Commission any conviction against him or her related to the occupations of funeral directing or embalming as defined by §203.16(h) of this title at the time of application.

- b. A current licensee shall disclose in writing to the Commission any conviction against him or her related to the occupations of funeral directing or embalming as defined by §203.16(h) of this title at the time of renewal or no later than 30 days after judgment in the trial court, whichever date is earlier.
- c. Upon notification of a conviction, the Commission shall request that the person respond by filing information demonstrating

why the Commission should not deny the application or take disciplinary action against the person, if already licensed. The response must be filed within 21 days of the date of receipt of notice from the Commission. An applicant for licensure is responsible for filing documentation that will allow the Commission to take action under §203.16 of this title.

Rule §203.16 Consequences of criminal conviction

- a. The Commission may suspend or revoke a license or deny a person from receiving a license on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of an occupation required to be licensed by Occupations Code, Chapter 651 (Chapter 651).
- b. The Commissioners may place an applicant or licensee who has been convicted of an offense as outlined in subsection (h) on probation by authorizing the Executive Director to enter into an Agreed Order with the licensee. The Agreed Order shall specify the terms of the probation and the consequences of violating the Order.
- c. If the Commissioners suspend or revoke a license or deny a person from getting a license, the licensee or applicant may appeal that decision to SOAH.
- d. The Commission shall immediately revoke the license of a person who is imprisoned following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision. Revocations under this subsection are not subject to appeal at SOAH.
- e. A person in prison is ineligible for licensure. Revocation or denial of licensure under this subsection is not subject to appeal at SOAH.
- f. The Commission shall consider the following factors in determining whether a criminal conviction directly relates to an occupation required to be licensed by Chapter 651:
 - 1. The nature and seriousness of the crime.
 - 2. The relationship of the crime to the purposes for requiring a license to engage in the occupation.
 - 3. The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved.
 - 4. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.
- g. If a person has been convicted of a crime, the Commission shall consider the following in determining a person's fitness to perform the duties and discharge the responsibilities of a Chapter 651 occupation:
 - 1. The extent and nature of the person's past criminal activity.
 - 2. The age of the person when the crime was committed.
 - 3. The amount of time that has elapsed since the person's last criminal activity.
 - 4. The conduct and work activity of the person before and after the criminal activity.
 - 5. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release.
 - 6. Letters of recommendation from:
 - A. Prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person.
 - B. The sheriff or chief of police in the community where the person resides.
 - C. Any other person in contact with the convicted person.
- 7. Evidence that the applicant has:
 - A. Maintained a record of steady employment.
 - B. Supported the applicant's dependents.
 - C. Maintained a record of good conduct.
 - D. Paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.
- h. The following crimes are related to the occupations of funeral directing or embalming:
 - 1. Class B misdemeanors classified by Occupations Code §651.602:
 - A. Acting or holding oneself out as a funeral director, embalmer, or provisional license holder without being licensed under Chapter 651 and the Rules of the Commission.
 - B. Making a first call in a manner that violates Occupations Code §651.401.
 - C. Engaging in a funeral practice that violates Chapter 651 or the Rules of the Commission.
 - D. Violating Finance Code, Chapter 154, or a rule adopted under that chapter, regardless of whether the Texas Department of Banking or another governmental agency takes action relating to the violation.
 - 2. The commission of acts within the definition of Abuse of Corpse under Penal Code, §42.08, because those acts indicate a lack of respect for the dead.
 - 3. The following crimes because the commission of each reflects a lack of respect for human life and dignity or a lack of fitness to practice the occupations:
 - A. A misdemeanor or felony offense involving:
 - i. Murder.
 - ii. Assault.
 - iii. Burglary.
 - iv. Robbery.
 - v. Theft.
 - vi. Sexual assault.
 - vii. Injury to a child.
 - viii. Injury to an elderly person.
 - ix. Child abuse or neglect.
 - x. Tampering with a governmental record.
 - xi. Forgery.
 - xii. Perjury.
 - xiii. Bribery.
 - xiv. Harassment.
 - xv. Insurance claim fraud.
 - xvi. Mail fraud.
 - B. Delivery, possession, manufacture, or use of or the dispensing or prescribing a controlled substance, dangerous drug, or narcotic.
 - C. Violations of the Penal Code, Titles 4, 5, 7, 9, and 10, which indicate an inability or tendency for the person to be unable to perform as a licensee or to be unfit for licensure or registration.

Rule §203.17 Criminal history evaluation letter

- a. Prior to submitting an application for licensure, a person may request the Commission issue a criminal history evaluation letter regarding the person's eligibility for a license if the person is enrolled or planning to enroll in an educational program that prepares a person for an initial license.
- b. A person may request a criminal history evaluation letter if he or she has reason to believe the Commission may determine that he or she is ineligible for a license due to a conviction or deferred adjudication for a felony or misdemeanor offense outlined in §203.16(h) of this title. The request must state the basis for the potential ineligibility.
- c. The Commissioners must consider the application for a criminal history evaluation letter at the next regularly scheduled Commission meeting if all requested information is received in a timely manner.
- d. If the Commissioners determine that a ground for ineligibility does not exist, the Commission shall notify the requestor in writing of the Commission's determination of eligibility. The motion for eligibility is subject to the criminal behavior known to the Commission as of the date of the determination. Any future criminal behavior could impact the issuance of a license.
- e. If the Commissioners determine that a ground for ineligibility does exist, the Commission shall notify the requestor in writing of the Commission's determination of ineligibility.
- f. The Commission may charge a person requesting an evaluation under this section a fee. Fees must be in an amount sufficient to cover the cost of administering this section.
- g. The Commissioners may issue a probated license to an applicant who is not ineligible under subsection (d) of this section, but has been convicted of an offense by authorizing the Executive Director to enter into an Agreed Order with the licensee. The Agreed Order shall specify the terms of the probation and the consequences of violating the Order. Once the terms of the probated license have been satisfied, the person shall be licensed as any other licensee who had not been on probation.
- h. The Commission shall revoke, without hearing, a probated license if the license holder commits a new offense; commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or violates Occupations Code Chapter 651 or the Rules of the Commission.
- i. A person who is on community supervision, mandatory supervision, or parole and who is issued a license under this section shall provide to the Commission the name and contact information of the probation or parole department to which the person reports. The Commission shall notify the probation or parole department that a license has been issued.

Rule §203.18 Reissuance of revoked funeral director and/or embalmer license

- a. A person whose license to practice funeral directing and/or embalming has been revoked may, after at least three years from the effective date of such revocation, petition the Commission for reissuance of the license, unless another time is provided in the revocation order.
- b. The petition shall be in writing.
- c. The Commissioners may grant or deny the petition. If the petition is denied by the Commissioners, a subsequent petition may not be considered by the Commissioners until 12 months have lapsed from the date of denial of the previous petition.
- d. The petitioner or his legal representative may appear before the Commissioners to present the request for reissuance of the license.
- e. The petitioner shall have the burden of showing good cause why the license should be reissued.
- f. In considering a petition for reissuance, the Commissioners may consider the petitioner's:
 - 1. Moral character.
 - 2. Employment history.
 - 3. Status of financial support to his family.
 - 4. Participation in continuing education programs or other methods of staying current with the practice of funeral directing and/or embalming.
 - 5. Criminal history record, including felonies or misdemeanors relating to the practice of funeral directing, embalming and/or moral turpitude.
 - 6. Offers of employment as a funeral director and/or embalmer.
 - 7. Involvement in public service activities in the community.
 - 8. Compliance with the provisions of the Commission Order revoking or canceling the petitioner's license.
 - 9. Compliance with provisions of Occupations Code Chapter 651, regarding unauthorized practice.
 - 10. History of acts or actions by any other state and federal regulatory agencies; or
 - 11. Any physical, chemical, emotional, or mental impairment.
- g. In considering a petition for reissuance, the Commissioners may also consider:
 - 1. The nature and seriousness of the crime for which the petitioner's license was cancelled or revoked.
 - 2. The length of time since the petitioner's license was cancelled or revoked as a factor in determining whether the time period has been sufficient for the petitioner to have rehabilitated himself to be able to practice funeral directing or embalming in a manner consistent with the public health, safety and welfare.
 - 3. Whether the license was submitted voluntarily for cancellation or revocation at the request of the licensee.
 - 4. Other rehabilitative actions taken by the petitioner.
- h. If the Commissioners grant the petition for reissuance, the petitioner must:
 - 1. Take and pass the State Mortuary Law Examination.
 - 2. Pay a fee that is equal to two times the normally required renewal fee.
 - 3. Satisfy continuing education requirements of §203.8 of this title. The Commissioners may require the petitioner to complete additional training to assure the petitioner's competency to practice funeral directing and/or embalming.
- i. The Commissioners may place the licensee on probation for a period of not less than two years by authorizing the Executive Director to enter into an Agreed Order with the licensee. The Agreed Order shall specify the terms of the probation and the consequences of violating the Order.

TAC CHAPTER 203 LICENSING AND ENFORCEMENT

SUBCHAPTER B. DUTIES OF A FUNERAL ESTABLISHMENT/ LICENSEE

Rule §203.21 First call definition

- a. First call is the beginning of the relationship between the consumer and the licensed funeral director acting on behalf of a licensed funeral establishment to prepare the body for burial or other disposition. The relationship is initiated by a family member or the person responsible for making arrangements for final disposition.
- b. Transportation of a body sent to a morgue, or a funeral establishment for identification or autopsy at the request of a Justice of the Peace, Medical Examiner, or other official under Code of Criminal Procedure Chapter 49 does not constitute a first call. Any expenses or items used specifically for the transportation of a body under this subsection are not items of choice for the consumer, including storage, and therefore are not the responsibility of the consumer to pay.
- c. Licensed commercial embalming establishments are prohibited from authorizing first calls or dealing directly with the public for services or merchandise. Any removal of a deceased human body by a commercial embalming establishment must be initiated by a licensed funeral establishment prior to the removal. The commercial embalming facility must notate the name of the funeral establishment authorizing the removal on the release form.
- d. Transportation of a body does not constitute a first call if the removal is done at the request of a health care facility or employee. However, if a family member or the person responsible for making arrangements for final disposition is present the provisions of Occupations Code §651.401 prevail.

Rule §203.22 Funeral director in charge

- a. Each licensed funeral establishment must at all times have a designated funeral director in charge, who is ultimately responsible for compliance with all mortuary, health, and vital statistics laws in the funeral establishment. A funeral establishment must designate a funeral director in charge at the time it receives its establishment license, and any time the funeral director in charge changes the funeral establishment must notify the Commission, on a form prescribed by the Commission, within 15 days.
- b. The funeral director in charge must be generally available in the routine functions of the funeral establishment in order to personally carry out his or her responsibilities.
- c. The funeral director in charge may be served with administrative process when violations are alleged to have been committed in a funeral establishment.
- d. An individual may not be designated as the funeral director and/or an embalmer in charge of more than one establishment unless the additional establishments are under the same ownership and no establishment is more than 100 miles from any other establishment held under the same ownership conditions.
- e. In order to be designated funeral director in charge of more than one establishment, the licensee must submit a petition to the Commission that clearly explains how each of the criteria in subsection (d) of this section has been met. The Executive Director shall decide whether to grant the petition. The request and decision will be made part of the permanent licensing file. The Executive Director's decision to deny may be appealed, in writing, to the Commissioners, and the appeal will be considered at the Commission's next regularly scheduled meeting.
- f. If the establishment employs a provisional licensee it is the responsibility of the funeral director in charge and the provisional licensee to schedule case work sufficient for the provisional program. It is the responsibility of the funeral director in charge to ensure that each provisional licensee is properly supervised while performing cases.
- g. The funeral director in charge shall retain the originals of all provisional license case reports with supporting documentation for two years from the completion date of the provisional program.
- h. If a provisional licensee leaves the employment of a funeral director in charge, the funeral director in charge must file an affidavit as described in Occupations Code §651.304(d) within 15 days of employment termination.

Rule §203.23 Embalmer in charge

- a. Each licensed commercial embalming establishment must at all times have a designated embalmer in charge, who is ultimately responsible for compliance with all mortuary, health, and vital statistics laws in the commercial embalming establishment. A commercial embalming establishment must designate an embalmer in charge at the time it receives its establishment license, and any time the embalmer in charge changes the commercial embalming establishment must notify the commission, on a form prescribed by the Commission, within 15 days.
- b. The embalmer in charge must be generally available in the routine functions of the commercial embalming establishment in order to personally carry out his or her responsibilities.
- c. The embalmer in charge may be served with administrative process when violations are alleged to have been committed in a commercial embalming establishment.
- d. An individual may not be designated as the Embalmer and/or the funeral director in charge of more than one establishment unless the additional establishments are operated as branches or satellites of a primary establishment, all of the establishments are under the same ownership, and no establishment is more than 100 miles from any other establishment held under the same ownership conditions.
- e. In order to be designated embalmer in charge of more than one establishment, the licensee must submit a petition to the Commission that clearly explains how each of the criteria in subsection (d) of this section has been met. The Executive Director shall decide whether to grant the petition. The request and decision will be made part of the permanent licensing file. The Executive Director's decision to deny may be appealed, in writing, to the Commissioners, and the appeal will be considered at the Commission's next regularly scheduled meeting. The Executive Director shall advise interested parties of the action taken by the Commission in writing.
- f. If the commercial embalming establishment employs a provisional licensee it is the responsibility of the embalmer in charge and the provisional licensee to schedule case work sufficient for the provisional program. It is the responsibility of the embalmer in charge to ensure that each provisional licensee is properly supervised while performing cases.

- g. The embalmer in charge shall retain the originals of all provisional license case reports with supporting documentation for two years from the completion date of the provisional program.
- h. If a provisional license holder leaves the employment of an embalmer in charge, the embalmer in charge must file an affidavit as described in Occupations Code §651.304(d), within 15 days of employment termination.

Rule §203.24 Display of license

- a. The funeral establishment license shall be conspicuously displayed in an area of the establishment open and accessible to the general public.
- b. If a license holder is in contact with the public during the course of his or her job, the funeral establishment shall conspicuously display the holder's license in each place of business at which the license holder practices.
- c. If a license holder is not in contact with the public during the course of his or her job, the funeral establishment shall make the license available for inspection in each place of business at which the license holder practices.
- d. A license is conspicuously displayed when it is placed in an area of the funeral establishment generally accessed by a consumer making funeral arrangements.
- e. The displayed license must be an original license issued by the Commission.

Rule §203.25 Display of funeral merchandise

The Commission will approve only those display rooms in licensed funeral establishments which meet the requirements of Occupations Code Chapter 651, which are designed and utilized to allow the public to make a private inspection and selection of merchandise. Regardless of the type or method of overall merchandise selection used by the licensed funeral establishment, there must be a display of at least two full-size adult caskets one of which must be the lowest priced casket offered for sale by the establishment. The funeral establishment also must display at least three adult caskets that are not required to be full-size:

1. In a partial panel display.
2. By video or brochure, online, or in any other manner.

Rule §203.26 Presentation of consumer brochure

- a. Consumer brochures as promulgated under §201.7 of this title shall be prominently displayed in the public view, offered free of charge for keeping to any person, and presented at the beginning of the arrangement conference for the disposition of a dead body.
- b. Consumer brochures are designed and printed by the Commission and may be copied only when the Commission is unable to furnish the funeral establishment with an ordered supply.
- c. The Commission determines the minimum order size and the fees for the brochures.

Rule §203.27 Identification of person responsible for making arrangements

Prior to discussing funeral arrangements, a funeral director should ask the person his/her relationship to the decedent to ensure the right to control disposition priority as outlined by Health and Safety Code, §711.002(a) is followed. A funeral director or establishment may not be held liable if the person falsely represents he/she is the person entitled to control the disposition of the decedent.

Rule §203.28 Establishment chapel requirements

All funeral establishments must have a chapel in which funeral services may be conducted. All chapels shall provide, at a minimum:

1. Seating for 10.
2. Public access.
3. Space for the casket.
4. A lectern or a podium.

Rule §203.29 In-casket identification

- a. The inside of each casket must contain a durable, waterproof identification of the deceased person, including the person's name, date of birth, and date of death.
- b. Funeral establishments are exempt from complying with subsection (a) of this section if the deceased, family of the deceased, religious norms or cultural norms oppose such inclusion. A funeral establishment must keep a record of each instance of use of this exemption and on what grounds the exemption was applied.

Rule §203.30 Interment or entombment

- a. A funeral director contracted to perform funeral directing services shall be present for graveside services included in the purchase agreement unless the graveside services take place outside Texas.
- b. After the contracted graveside services end or if no graveside services take place, either a funeral director or an agent of the funeral establishment contracted to perform funeral directing services shall be present when the casket containing a human body is placed in a grave, crypt or burial vault unless the interment or entombment takes place outside Texas.

Rule §203.31 Facilities necessary in a preparation room

The Commission will approve only those preparation rooms which meet the requirements of Occupations Code Chapter 651 and the following minimum standards:

1. Must be of sufficient size and dimensions to accommodate an operating table, a sink with water connections, and an instrument table, cabinet, or shelves:
 - A. The operating table must have a rust proof metal or porcelain top, with edges raised at least 3/4 inch around the entire table and a drain opening at the lower end.
 - B. The sink must have hot and cold running water and drain freely.
 - C. The faucet must be equipped with an aspirator.
2. Must contain an injection/embalming machine and sufficient supplies and equipment for normal operations.
3. Must be clean, sanitary, and not used for other purposes.
4. Must not have defective construction which permits the entrance of rodents.
5. Must not have evidence of infestation of insects or rodents.
6. Must be private and have no general passageway through it.
7. Must be properly ventilated with an exhaust fan that provides at least five room air exchanges per hour.
8. Must not have unenclosed or public restroom facilities located within the room.
9. Must have walls which run from floor to ceiling and be covered with tile, or by plaster or sheetrock painted with washable paint.
10. Must have floors of concrete with a glazed surface, or tiled in order to provide the greatest sanitary condition possible, if tile is used, any grout or joint sealant must be unbroken and intact.
11. Must have doors, windows, and walls constructed to prevent odors from entering any other part of the building.
12. Must have all windows and openings to the outside screened.

Rule §203.32 Requirements relating to embalming

- a. In order to ensure the maximum inhibition of pathogenic organisms in the dead human body, the following minimum standards of performance shall be required of each licensed embalmer in the State of Texas in each instance in which he or she is authorized or required to embalm a dead human body.
 1. Embalming shall be performed only by embalmers licensed by the Commission, in properly equipped and licensed establishments, or in the event of a disaster of major proportions, in facilities designated by a Medical Examiner, Coroner, or state health official. Only three types of people may under certain circumstances assist licensed embalmers in embalming: provisional licensed embalmers under the personal supervision of a licensed embalmer; students who are enrolled in an accredited school of mortuary science working on a case intended toward completion of the student's clinical requirements, under the personal supervision of a licensed embalmer and with written permission to assist the embalmer from a family member or the person responsible for making arrangements for final disposition; and, in the event of a disaster of major proportions and with the prior approval of the Executive Director, embalmers licensed in another state as long as they are working with or under the general supervision of a person licensed as an embalmer in this state.
 2. Embalmers are required to utilize all personal protective equipment required by either OSHA or its corresponding state agency during the embalming procedure.
 3. Clothing and/or personal effects of the decedent shall either be thoroughly disinfected before delivery to any person or discarded in a manner consistent with the disposal of biohazardous material.
 4. The technique utilized to effect eye, mouth, and lip closure shall be any technique accepted as standard in the profession. Regardless of the technique chosen, the embalmer shall be required to achieve the best results possible under prevailing conditions.
 5. The entire body may be thoroughly cleaned before arterial injection and shall be cleaned immediately after the embalming procedure with an antiseptic soap or detergent.
 6. Body orifices (nostrils, mouth, anus, vagina, ear canals, and urethra) open lesions, and other surgical incisions shall be treated with appropriate topical disinfectants either before or immediately after arterial injection. After cavity treatment has been completed, body orifices shall be packed in cotton saturated with a suitable disinfectant of a phenol coefficient not less than one in cases where purge is evident or is likely to occur and/or when the body is to be transported out of state or by common carrier.
 7. The arterial fluid to be injected shall be one commercially prepared and marketed with its percent of formaldehyde, or other approved substance, by volume (index) clearly marked on the label or in printed material supplied by the manufacturer.
 8. The fluids selected shall be injected into all bodies in such dilutions and at such pressures as the professional experience of the embalmer shall indicate, except that in no instance shall dilute solution contain less than 1.0% formaldehyde, or an approved substance that acts the same as formaldehyde, and as the professional experience of the embalmer indicates, one gallon of dilute solution shall be used for each 50 pounds of body weight. Computation of solution strength is as follows: $C \times V = C' \times V'$, where C = strength of concentrated fluid, V = volume of ounces of concentrated fluid, C' = strength of dilute fluid, and V' = volume of ounces of dilute fluid.
 9. Abdominal and thoracic cavities shall be treated in the following manner.
 - A. Liquid, semi-solid, and gaseous contents which can be withdrawn through a trocar shall be aspirated by the use of the highest vacuum pressure attainable.
 - B. Concentrated, commercially prepared cavity fluid which is acidic in nature (6.5 pH or lower) and contains at least two preservative chemicals shall be injected and evenly distributed throughout the aspirated cavities. A minimum of 16 ounces of concentrated cavity fluid shall be used in any embalming case in which a minimum of two gallons of arterial solution has been injected.
 - C. Should distension and/or purge occur after treatment, aspiration and injection as required shall be repeated as necessary.
 10. The embalmer shall be required to check each body thoroughly after treatment has been completed. Any area not adequately disinfected by arterial and/or cavity treatment shall be injected hypodermically with disinfectant and preservative fluid of maximum results. A disinfectant and preservative medium shall be applied topically in those cases which require further treatment.
 11. On bodies in which the arterial circulation is incomplete or impaired by advance decomposition, burns, trauma, autopsy, or any other cause, the embalmer shall be required to use the hypodermic method to inject all areas which cannot be

properly treated through whatever arterial circulation remains intact (if any).

12. In the event that the procedures in paragraphs (1) - (11) of this subsection leave a dead human body in condition to constitute a high risk of infection to anyone handling the body, the embalmer shall be required to apply to the exterior of the body an appropriate embalming medium in powder or gel form and to enclose the body in a zippered plastic or rubber pouch prior to burial or other disposal.
13. Dead human bodies donated to the State Anatomical Board shall be embalmed as required by the State Anatomical Board and where conflicting requirements exist, those requirements of the State Anatomical Board shall prevail.
14. All bodies should be treated in such manner and maintained in such an atmosphere as to avoid infestation by vermin, maggots, ants, and other insects; however, should these conditions occur, the body should be treated with an effective vermicide and/or insecticide to eliminate these conditions.
15. No licensed establishment or licensed embalmer shall take into its or the embalmer's care any dead human body for embalming without exerting every professional effort, and employing every possible technique or chemical, to achieve the highest level of disinfecting.

16. Nothing in this section shall be interpreted to prohibit the use of supplemental or additional procedures or chemicals which are known to and accepted in the funeral service profession and which are not specifically mentioned in this subsection.
- b. Minor variations in these procedures shall be permitted as long as they do not compromise the purpose of this rule as stated in subsection (a) of this section.
- c. All embalming case reports must contain, at a minimum, all the information on the case-report form promulgated by the Commission. Funeral establishments may use other forms, so long as the forms contain all the information on the promulgated form. A case report shall be completed for each embalming procedure not later than the date of disposition of the body which was embalmed. The embalmer shall ensure that all information contained in the case report is correct and legible. The completed form shall be retained for two years following the procedure date. The embalming case report must be completed and signed by the licensed embalmer who performed the embalming procedure.
- d. Nothing in this section shall be interpreted to require embalming if a family member or the person responsible for making arrangements for final disposition does not authorize embalming.

Rule §203.33 Required documentation for embalming

- a. If permission to embalm is oral, the funeral establishment must maintain for two years written documentation of the name of the person authorizing embalming, that person's relationship to the deceased, and the time permission was obtained.
- b. When oral or written permission to embalm cannot be obtained from the person authorized to make funeral arrangements, the funeral establishment must maintain for two years written documentation of the efforts taken as mandated by Occupations Code §651.457 to obtain permission to embalm.
- c. Custody of body.
 1. In cases where a Medical Examiner or Justice of the Peace has given permission to a funeral establishment to take custody of a body, the receiving funeral establishment may not embalm the body until the person responsible for making arrangements for final disposition has given permission. Nothing in this subsection shall be construed as allowing a funeral establishment to initiate contact with the person authorized to make funeral arrangements.
 2. Health and Safety Code Chapter 694 authorizes county officials to dispose of unclaimed bodies, and Health and Safety Code Chapter 691 authorizes the Anatomical Board to receive unclaimed bodies.
- d. Authorization to embalm form.
 1. If embalming is performed, the Commission promulgated Authorization to Embalm Form must be signed by a family member or the person responsible for making arrangements for final disposition when written authorization is secured.
 2. The Commission's Authorization to Embalm Form may not be altered and must be used in its adopted form. A copy of this form may be obtained from the Commission and may be reproduced by a licensed funeral establishment.
- e. If a mortuary student who is not a provisional licensee is to assist the licensed embalmer, the authorization pursuant to Occupations Code §651.407 must be in the possession of the funeral establishment and/or embalmer at the time of the embalming. A copy of the mortuary student authorization shall be retained according to Occupations Code §651.407.
- f. Nothing in this rule diminishes the requirement of the establishment to abide by the Federal Trade Commission funeral rule regarding embalming disclosures. In the event of a conflict between this rule and the Federal Trade Commission funeral rule, the Federal Trade Commission funeral rule prevails.

Rule §203.34 Retention of documents

To prevent the unfair or deceptive acts or practices specified in §203.46 of this title and §203.48 of this title, funeral providers must retain and make available for inspection by Commission officials true and accurate copies of the price lists specified in §203.46(b)(2) - (5) of this title, as applicable, for at least two years after the date of their last

distribution to customers, and a copy of each Purchase Agreement, as required by §203.47 of this title, for at least two years from the date of the arrangements conference.

Rule §203.35 Location of retained records

- a. All records required for retention by Occupations Code Chapter 651 and Rules of the Commission, will be maintained for a minimum of two years within the physical confines of the licensed establishment where the funeral arrangements were made. The records must be made available to a family member or the person responsible for making arrangements for final disposition during regular business hours. Copies must be provided upon request to the Commission during the course of an investigation or inspection.
- b. Any licensed establishment may submit a petition to the Commission requesting an exemption to the portion of subsection (a) of this section which requires that retained records be kept within the physical confines of the licensed funeral establishment where the funeral arrangements were made.
- c. Each petition will clearly state:
 1. A brief explanation of the problem(s) created by maintaining the records at that location.

2. The rational or justification for the granting of the exemption.
3. The specific remedy requested, including the alternative location selected.
4. Assurances that the Commission will be able to easily access all records by name of the establishment, name of individual, or by date of service.
- d. The Executive Director will grant, deny, or modify the requested relief.
- e. The Executive Director will advise the licensed establishment in writing of the action taken.
- f. Each petition will be considered separately and upon its own merit. When considering the petition, the Executive Director will take into account the proposed geographical location of the records and the licensee's demonstrated ability to substantially comply with the mortuary laws and the rules and regulations of the Commission as demonstrated in prior inspection reports and other documents submitted to the Commission.

TAC CHAPTER 203 LICENSING AND ENFORCEMENT SUBCHAPTER C ENFORCEMENT

Rule §203.40 Complaints

- a. Any person may file a written complaint with the Commission concerning alleged violations of any statute over which the Commission has regulatory authority as well as the Rules of the Commission. A written complaint must be filed within two years of the event giving rise to the complaint. Complaints filed after the above stated period will not be accepted by the Commission unless the complainant can show good cause to the Executive Director for the late filing.
- b. The Commission's complaint form provides space for the following information:
 1. The name and business address of the licensee or establishment complained of.
 2. The time and place where the act(s) occurred.
 3. The nature of the act(s) set out in sufficient detail to enable the Commission to investigate the complaint and the licensee or establishment complained of to identify the incident and prepare a response.
4. The names, addresses, and telephone numbers of any persons who witnessed the acts.
- c. The complaint form asks the complainant to provide any pertinent contracts, photographs, letters, advertisements or other documents that show evidence of the alleged violation.
- d. All complaints must be in writing, other than complaints alleging conduct which, if true, would constitute an imminent or continuing threat to the public health, safety, or welfare. These latter complaints must be reduced to writing by the Complainant before the conclusion of the investigative process.

Rule §203.41 Investigations

- a. Upon receiving a written complaint, the complaint is given a complaint number and assigned to an Investigator for review. The Investigator performs an initial analysis to determine if the Commission has jurisdiction over the alleged violation and whether a violation of a statute or rule may have occurred.
- b. If the Investigator, in consultation with the Staff Attorney, determines that the Commission does not have jurisdiction of the matter or that the complaint does not reflect a violation, the case is administratively closed.
- c. If the Investigator, in consultation with the Staff Attorney, determines that the Commission has jurisdiction of the matter and that the complaint reflects a violation, the Investigator will send a copy of the complaint to the Respondent(s) along with a letter which outlines the alleged violation(s) and requests a written narrative response and relevant documents. The Respondent(s) has 15 days from receipt of the letter to respond.
- d. In the course of the investigation or upon request of the Staff Attorney, the Investigator may request additional information from the Complainant, the Respondent(s), or any witnesses.
- e. The Investigator will prepare an Investigative Report (Report) for the Staff Attorney's review. The Report must contain the Investigator's findings and any applicable administrative penalties or license sanctions based upon the Administrative Penalties and Sanctions Schedule under §203.43 of this title.

Rule §203.42 Notice and hearings

- a. Upon Staff Attorney approval of an Investigative Report (Report) finding a violation has occurred, the Investigator will send the Respondent(s) a copy of the Report and a letter notifying the Respondent(s) of the Commission's determination to assess an administrative penalty and/or sanction the Respondent's license(s).
- b. The Respondent(s) has 30 days from receipt of the letter to respond to this correspondence. The Respondent(s) can accept the Commission's determination or can request to settle the case by formal or informal methods. Failure to respond within 30 days waives the right to a hearing and requires payment of the assessed penalty and/or enforcement of the license sanction.
- c. If the Respondent accepts the Commission's determination to assess an administrative penalty and/or license sanction or if a settlement is reached, the Respondent shall pay the penalty or shall enter into an Agreed Order with the Commission which is signed by the Executive Director. Once an Agreed Order is signed or the penalty is paid, the case is closed.
- d. If no resolution is reached as outlined by subsection (c) of this section, the Respondent is sent a Notice of Hearing and Complaint and the Commission sets the case on the SOAH Docket for a hearing before a SOAH Administrative Law Judge (ALJ).
- e. Once the ALJ renders a Proposal for Decision (PFD), the PFD is presented to the Commissioners at the Commission's next regularly scheduled meeting.
- f. The Commissioners accept or modify the PFD by Commission Order.
- g. The Respondent can either accept the Commission's Order, or after exhausting all administrative remedies, the Respondent can appeal the Commission's decision by filing suit for judicial review in accordance with Government Code, Chapter 2001, and Occupations Code §651.555.
- h. All correspondence to the Respondent(s) will be sent by both certified mail and first class mail to the Respondent's address of record on file with the Commission.

- i. The Commission will notify the Complainant of the final disposition of the complaint.
- j. Government Code §§2001.051 - 2001.103; Occupations Code §651.506; and SOAH's Rules of Practice and Procedure (Tex. Admin. Code, Title 1, §155) govern hearings held at SOAH.
- k. The Commission's Alternative Dispute Resolution Policy and Procedure Rule, found in §207.1 of this title, and SOAH's Rules of Practice and Procedure, Tex. Admin. Code, Title 1, §155.351, govern ADR with Commission staff and mediation at SOAH.

Rule §203.43 Administrative penalties and sanctions

- a. If a person violates any provision of Occupations Code, Chapter 651; Health and Safety Code, Chapters 193, 361, 695, 711, 716; Finance Code Chapter 154; Tex. Admin. Code, Title 22, Part 10; or an order of the Executive Director or Commissioners, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of Occupations Code §§651.5515 - 651.552.
- 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 Commission may negotiate a lower penalty than outlined in the Administrative Penalties and Sanctions Schedule 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.
 - 4. Other mitigating factors that could warrant a lower penalty.

Rule §203.44 Procedures and criteria for inspections of licensed establishments

- a. Inspection procedures.
 - 1. All licensed funeral establishments, commercial embalming facilities, and crematories shall be inspected at least once every two years.
 - 2. All inspections shall be unannounced.
 - 3. The inspector shall review prior inspection reports before inspecting an establishment. If prior reports reveal problems, the inspector shall determine whether the establishment has corrected the previously identified problems or whether a pattern of violations or new violations exist.
 - 4. Inspectors shall use reasonable efforts to conduct inspections between the hours of 8:00 a.m. and 5:00 p.m., but an establishment is required to be open at all times to inspections for violations of Occupations Code, Chapter 651, and Health and Safety Code, Chapters 193, 361, 711, 714, 715 and 716.
 - 5. If an establishment is not open for business during regular business hours and an inspector is unable to contact any employee or owner to open the establishment to conduct the inspection, the inspector shall notify the establishment by mail of the attempted inspection. If an establishment is unavailable for inspection during regular business hours twice during a six month period, the Commission may file a complaint against the establishment, making the establishment subject to an administrative penalty or other action.
- b. Criteria for risk-based inspections.
 - 1. If the Commission previously found violations of Occupations Code, Chapter 651, and Health and Safety Code, Chapters 193, 361, 711, 714, 715 and 716, following a biennial inspection, an establishment shall be inspected annually until it is free of all violations.
 - 2. Establishments that have received a reprimand or letter of warning, that have been assessed administrative penalties, that have had licenses suspended, or that have received a letter ordering the establishment to cease and desist for violations of Occupations Code, Chapter 651, or Rules of the Commission are subject to inspection at any time within three years following the date that the Commission's action became final.
 - 3. If the Commission is in the process of conducting an investigation of an establishment, staff may inspect the establishment for the limited purpose of proving or disproving the validity of the complaint. The scope of inspections under this paragraph shall be limited to matters relating to the subject of the complaint.

Rule §203.45 Unprofessional conduct

- a. The Commission may, in its discretion, refuse to issue or renew a license or may fine, revoke, or suspend any license granted by the Commission if the Commission finds that the applicant or licensee has engaged in unprofessional conduct as defined in this section.
- b. For the purpose of this section, unprofessional conduct shall include but not be limited to:
 - 1. Providing funeral goods and services or performing acts of embalming in violation of Occupations Code, Chapter 651, the Rules of the Commission or applicable health and vital statistics laws and rules.
 - 2. Refusing or failing to keep, maintain or furnish any record or information required by law or rule, including a failure to timely submit any documentation requested during the course of a Commission investigation.
 - 3. Operating a funeral establishment in an unsanitary manner.
 - 4. Failing to practice funeral directing or embalming in a manner consistent with the public health or welfare.
 - 5. Obstructing a Commission employee in the lawful performance of such employee's duties of enforcing Occupations Code, Chapter 651, or the Rules of the Commission.
 - 6. Copying, retaining, repeating, or transmitting in any manner the questions contained in any examination administered by the Commission.
 - 7. Physically abusing or threatening to physically abuse a Commission employee during the performance of his lawful duties.
 - 8. Conduct which is willful, flagrant, or shameless or which shows a moral indifference to the standards of the community.
 - 9. In the practice of funeral directing or embalming, engaging in:
 - A. Fraud, which means an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him, or to surrender a legal right, or to issue a license; a false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives or is intended to deceive another.
 - B. Deceit, which means the assertion, as a fact, of that which is not true by any means whatsoever to deceive or defraud another.

- C. Misrepresentation, which means a manifestation by words or other conduct which is a false representation of a matter of fact.
- 10. Communicating directly or indirectly with a Commissioner during the pendency of a complaint in connection with an issue of fact or law, except upon notice and opportunity for each party to participate.
- 11. Attempting to influence a complainant or witness in any complaint case to change the nature of the complaint, or

withdraw the complaint by means of coercion, harassment, bribery, or by force, or threat of force.

- 12. Retaliating or threatening to retaliate against a complainant who has filed a complaint with the Commission in good faith.
- 13. Violating any Texas law or administrative rules governing the transportation, storage, refrigeration, interment, cremation, or disinterment of the dead.

Rule §203.46 Price disclosure

- a. In selling or offering to sell funeral goods or funeral services to the public it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser or prospective customer for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies. Such price information must include at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, urns, immediate burials, or direct cremations. Any funeral provider who complies with the preventive requirements in subsection (b) of this section is not engaged in the unfair or deceptive acts or practices defined here.
- b. To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §203.49(b)(1) of this title, funeral providers must:
 - 1. Telephone price disclosure. Tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (2) - (5) of this subsection and any other readily available information that reasonably answers the question.
 - 2. Casket price list.
 - A. Give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider must offer the list upon beginning discussion of, but in any event before showing caskets. 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. Provided, however, that funeral providers do not have to make a casket price list available if the funeral providers place on the general price list, specified in paragraph (5) of this subsection, the information required by this subsection.
 - B. The list must contain the effective date and the retail prices of all caskets and alternative containers offered which do not require special ordering, and must include, at a minimum, the following specifications:
 - i. The type of material that is predominately used in the construction of the merchandise, i.e.:
 - I Steel, identified as stainless or by gauge, e.g., 18 gauge.
 - II Wood, identified by type, e.g., pecan or cherry.
 - III Bronze, described by weight, e.g., 32 oz.
 - IV Copper, described by weight, e.g., 32 oz. or
 - V Other specifically named material, e.g., such as cardboard or corrugated wood.
 - ii. The type of sealing feature, e.g., sealer, non-sealer, gasketed, or non-gasketed, if specified on the funeral provider's general price list.
 - iii. The material lining the interior of the casket, e.g., crepe, velvet, satin, twill or silk.
 - C. Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as a "casket price list."
 - 3. Outer burial container price list.
 - A. Give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event before showing the containers. The list must contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in paragraph (5) of this subsection, the information required by this subsection. The description of an outer burial container under this section must, at a minimum, include the following specifications:
 - i. The type of material that is predominantly used in the construction of the merchandise, i.e.:
 - I Concrete, specifying type of construction, e.g., liner, box, or vault.
 - II Steel, identified as stainless or by gauge, e.g., 12 gauge (or described as galvanized of a particular gauge).
 - III Wood.
 - IV Bronze or copper, described by weight or gauge, e.g., 32 oz. or 18 gauge.
 - V Other specifically named material.
 - ii. The type of sealing feature, e.g., sealer, non-sealer, gasketed, or non-gasketed, if specified on the funeral establishment price list.
 - B. Place on the list, however produced, the name of the funeral provider's place of business, address, and telephone number, and a caption describing the list as an "outer burial container price list."
 - 4. Urn price list.
 - A. Give a printed or typewritten price list to persons who inquire in person about urn offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event, before showing the containers. The list must contain at least the retail prices of all urns offered which do not require special ordering, the description of an urn under this section must, at a minimum, include the type of material predominately used in its construction. Bronze urns must be described as sheet bronze or caste bronze, whichever is applicable. The price list must include the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an

- urn price list available if the funeral providers place on the general price list, specified in paragraph (5) of this subsection, the information required by this subsection.
- B. Place on the list, however produced, the name of the funeral provider's place of business, address and telephone number and a caption describing the list as an "urn price list."
5. General price list.
 - A. Availability of general price list.
 - i. Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:
 - I The prices of funeral goods or funeral services.
 - II The overall type of funeral service or disposition.
 - III Specific funeral goods or funeral services offered by the funeral provider.
 - ii. The requirement in clause (i) of this subparagraph applies whether the discussion takes place in the funeral home or elsewhere. Provided, however, that when the deceased is removed for transportation to the funeral home, an in-person request at that time for authorization to embalm, required by §203.50(a)(2) of this title, does not, by itself, trigger the requirement to offer the general price list if the provider in seeking prior embalming approval discloses that embalming is not required by law except in certain special cases, if any. Any other discussion during that time about prices or the selection of funeral goods or services triggers the requirement under clause (i) of this subparagraph to give consumers a general price list.
 - iii. The list required in clause (i) of this subparagraph must contain at least the following information:
 - I The name, address, and telephone number of the funeral provider's place of business.
 - II A caption describing the list as a "general price list."
 - III The effective date for the price list.
 - B. Include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale:
 - i. Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price.
 - ii. Receiving remains from another funeral home, together with a list of the services provided for any quoted price.
 - iii. The price range for the direct cremations offered by the funeral provider, together with:
 - I A separate price for a direct cremation where the purchaser provides the container.
 - II Separate prices for each direct cremation offered including an alternative container.
 - III A description of the services and container (where applicable), included in each price.
 - iv. The price range for the immediate burials offered by the funeral provider, together with:
 - I A separate price for an immediate burial where the purchaser provides the casket.
 - II Separate prices for each immediate burial offered including a casket or alternative container.
 - III A description of the services and container (where applicable) included in that price.
 - v. Transfer of remains to funeral home.
 - vi. Embalming.
 - vii. Other preparation of the body.
 - viii. Use of facilities and staff for viewing.
 - ix. Use of facilities and staff for funeral ceremony.
 - x. Use of facilities and staff for memorial service.
 - xi. Use of equipment and staff for graveside service.
 - xii. Hearse.
 - xiii. Limousine.
 - xiv. Filing a claim seeking life insurance proceeds on behalf of the beneficiaries.
 - C. Include on the general price list, in any order, the following information:
 - i. Either of the following:
 - I The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."
 - II The prices of individual caskets, disclosed in the manner specified by paragraph (2)(A) of this subsection.
 - ii. Either of the following:
 - I The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."
 - II The prices of individual outer burial containers, disclosed in the manner specified by paragraph (3)(A) of this subsection.
 - iii. Either of the following:
 - I The price for the basic services of funeral director and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our basic services will be added to the total cost of the funeral arrangements you select (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains)." If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services."
 - II The following statement: "Please note that a fee of (specify dollar amount) for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (specify)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list together with the casket price range, required by clause (i)(I) of this subparagraph, or together with the prices of individual caskets, required by clause (i)(II) of this subparagraph.
 - iv. If the funeral home charges for processing the insurance claim, that fee shall be disclosed.
 - v. If a consumer intends to use the proceeds from an insurance policy to pay for a funeral and the funeral provider requires payment before the proceeds from such policy can be obtained and, if the funeral provider does not provide the service of filing a claim seeking

life insurance proceeds on behalf of the beneficiary (or, if the funeral provides the service and the consumer does not wish to utilize the services of the funeral provider), the funeral provider shall include the following statement on the general price list: "Please note that if you utilize a third party to file a claim seeking expedited receipt of life insurance proceeds on behalf of a beneficiary, there will be a fee to be paid associated with the filing of such a claim."

D. The services fee permitted by subparagraph (C)(iii)(I) or (II) of this paragraph is the only funeral provider fee for services, facilities or unallocated overhead permitted by this part to be non-declinable, unless otherwise required by law.

6. Funeral providers may give persons any other price information, in any other format, in addition to that required by paragraphs (2) - (5) of this subsection so long as the statement required by §203.47 of this title is provided when required.

Rule §203.47 Purchase agreement (statement of funeral goods and services selected)

- a. Funeral providers must give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The Purchase Agreement must list at least the following information:
 - 1. The funeral goods and funeral services selected by that person and the prices to be paid for each of them, unless there is a discounted package arrangement that itemizes the discount provided by the package arrangement.
 - 2. Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.)
 - 3. The total cost of the goods and services selected.
 - 4. The complete description of all goods purchased as described in §203.46(2) - (5) of this title.
- b. The information required by this section may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.
- c. If a funeral provider's graphically illustrated logo or a bold listing of the logo is included in an obituary, the funeral provider shall list separately the additional cost, if any, related to the inclusion of such logo in the cash advance portion of the Purchase Agreement.

Rule §203.48 Misrepresentations

- a. Embalming provisions.
 - 1. In selling or offering to sell funeral goods or funeral services to the public, it is deceptive act or practice for a funeral provider to:
 - A. Represent that state or local law requires that a deceased person be embalmed when such is not the case.
 - B. Fail to disclose that embalming is not required by law except in certain special cases, if any.
 - 2. To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §203.49(b)(1) of this title and §203.50(a) of this title, funeral providers must:
 - A. Not represent that a deceased person is required to be embalmed for:
 - i. Direct cremation.
 - ii. Immediate burial.
 - iii. A closed casket funeral without viewing or visitation when refrigeration is available and when state or local law does not require embalming.
 - B. Place the following disclosure on the general price list, required by §203.46(b)(5) of this title, in immediate conjunction with the price shown for embalming: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial." The phrase "except in certain special cases" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require embalming under any circumstances.
- b. Casket for cremation provisions.
 - 1. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:
 - A. Represent that state or local law requires a casket for direct cremations.
 - B. Represent that a casket is required for direct cremations.
 - 1. To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §203.49(a)(1) of this title, funeral providers must place the following disclosure in immediate conjunction with the price range shown for direct cremations: "If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers)." This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations.
 - 2. To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list, required by §203.46(b)(3)(A) of this title, or, if the prices of outer burial containers are listed on the general price list, required by §203.46(b)(5) of this title, in immediate conjunction with those prices: "In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements." The phrase "in most areas of the country" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require a container to surround the casket in the grave.

- d. General provisions on legal and cemetery requirements.
 - 1. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.
 - 2. To prevent these deceptive acts or practices, as well as the deceptive acts or practices identified in subsections (a)(1), (b)(1), and (c)(1) of this section, funeral providers must identify and briefly describe in writing on the Purchase Agreement required by §203.47 of this title any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.
- e. Provisions on preservative and protective value claims. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:
 - 1. Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time.
 - 2. Represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.
- f. Cash advance provisions.
 - 1. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:
 - A. Represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when such is not the case.
 - B. Fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case.
 - 2. To prevent these deceptive acts or practices: Funeral providers must place the following sentence in the itemized Purchase Agreement in immediate conjunction with the list of itemized cash advance items required by §203.49 of this title: “We charge you for our services in obtaining: (specify cash advance items),” or if the funeral provider makes a charge upon, or receives and retains a rebate, commission or trade or volume discount upon a cash advance item.

Rule §203.49 Required purchase of funeral goods or funeral services

- a. Casket for cremation provisions.
 - 1. In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket be purchased for direct cremation.
 - 2. To prevent this unfair or deceptive act or practice, funeral providers must make an alternative container available for direct cremations, if they arrange direct cremations.
- b. Other required purchases of funeral goods or funeral services.
 - 1. In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to:
 - A. Condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this part.
 - B. Charge any fee as a condition to furnishing any funeral goods or funeral services to a person arranging a funeral, other than the fees for:
 - i. Services of funeral director and staff, permitted by §203.46(b)(5)(C)(iii) of this title.
 - ii. Other funeral services and funeral goods selected by the purchaser.
 - iii. Other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with §203.48(d)(2) of this title.
 - 2. Preventative Requirements
 - A. To prevent these unfair or deceptive acts or practices, funeral providers must:
 - i. Place the following disclosure in the general price list, immediately above the prices required by §203.46(b)(5)(B) and (C) of this title: “The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.” Provided, however, that if the charge for “services of funeral director and staff” cannot be declined by the purchaser, the statement shall include the sentence: “However, any funeral arrangements you select will include a charge for our basic services” between the second and third sentences of the statement specified above herein. The statement may include the phrase “and overhead” after the word “services” if the fee includes a charge for the recovery of unallocated funeral provider overhead.
 - ii. Place the following disclosure in the Purchase Agreement, required by §203.47 of this title: “Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.”
 - B. A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

Rule §203.50 Embalming provided without prior approval

- a. In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless:
 - 1. State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make.
 - 2. Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person.
 - 3. The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking

approval, the funeral provider must disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

- b. To prevent these unfair or deceptive acts or practices, funeral providers must include on the itemized Purchase Agreement,

required by §203.47 of this title, the statement: "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

Rule §203.51 Comprehensive of disclosures

To prevent the unfair or deceptive acts or practices specified in §§203.46 - 203.50 of this title, funeral providers must make all disclosures required by those sections in a clear and conspicuous manner. Providers shall not include in the casket, outer burial

container, urn, and general price lists, required by §203.46(b)(2) - (5) of this title, any statement or information that alters or contradicts the information required to be included in those lists.

Rule §203.52 Violation to engage in unfair or deceptive acts or practices

Except as otherwise provided in §203.46(a) of this title, it is a violation to engage in any unfair or deceptive acts or practices specified in Occupations Code Chapter 651 or in the Rules of the Commission, or

to fail to comply with any of the preventive requirements specified in Occupations Code Chapter 651 or in the Rules of the Commission.

TAC CHAPTER 205 CEMETERIES AND CREMATORIES

Rule §205.1 Cemetery license requirements and procedure

- | | |
|---|--|
| <p>a. All cemeteries that conduct business, other than those described in Texas Occupations Code, §651.353, are required to be licensed by the Commission.</p> <p>b. The licensing fee for cemeteries shall accompany the application for licensure.</p> <p>c. A license is valid for one year and is automatically renewed upon timely receipt of the renewal fee by the Commission.</p> | <p>d. A cemetery that renews its license on or before the 30th day following the license expiration date shall pay, in addition to the renewal fee, a late payment penalty equal in amount to the renewal fee.</p> <p>e. A cemetery that fails to renew its license on or before the 30th day following the license renewal date may not renew the license and may not operate as a cemetery until receipt of a new license.</p> |
|---|--|

Rule §205.2 Ingress and egress to cemeteries and private burial grounds which have no public ingress or egress

- | | |
|--|---|
| <p>a. Any person who wishes to visit a cemetery or private burial grounds for which no public ingress or egress is available shall have, for the purposes usually associated with cemetery visits and during reasonable hours the right to reasonable ingress and egress for the purpose of visiting the cemetery or private burial grounds.</p> <p>b. The owner or owners of lands surrounding a cemetery or private burial grounds may designate the route or routes of reasonable ingress and egress and reasonable hours of availability.</p> <p>c. The term "owner or owners of lands surrounding a cemetery or private burial grounds" means any person, persons, entity, or entities that own lands that lie between a public road and a cemetery or private burial grounds that has no public ingress or egress irrespective of whether such lands are contiguous to the cemetery or private burial grounds or to the public road.</p> <p>d. The Commission finds that the term "reasonable hours" should be interpreted to mean 8:00 a.m. to 5:00 p.m. on any day of the week. However, the hours during the day and the days of the week during which ingress and egress shall be allowed may be more particularly circumscribed by an agreement reached or an order entered pursuant to subsections (h) - (m) of this section.</p> <p>e. The phrase "purposes usually associated with cemetery visits" means a visit by any person or group of persons for the purpose of interring a person or persons in a cemetery or private burial grounds or for the purpose of paying respect to a person or persons interred in a cemetery or private burial grounds.</p> <p>f. The use of the word "reasonable" in the phrase "designate the routes of reasonable ingress and egress" means:</p> | <p>1. That an "owner or owners of land surrounding the cemetery or private burial grounds" may not designate a route or routes of ingress and egress that discourages visits to a cemetery or private burial grounds during "reasonable hours" for the "purposes usually associated with cemetery visits."</p> <p>2. That an "owner or owners of land surrounding a cemetery or private burial grounds" may not thwart the right of ingress and egress by the imposition of liability insurance or other indemnification requirements that render impractical or impossible visits during "reasonable hours" for the "purposes usually associated with cemetery visits."</p> <p>g. Within the framework provided by subsections (c) - (f) of this section, persons or entities interested in establishing a visitation schedule and a route or routes of reasonable ingress and egress with respect to a particular cemetery or private burial grounds shall make contact with and negotiate with each owner or owners of lands that surround the cemetery or private burial grounds for the purpose of agreeing to and reducing to writing the visitation schedule and route or routes of reasonable ingress and egress to a cemetery or private burial grounds for which no public ingress and egress is available. The person or entities making contact with the owner or owners of land that surround such a cemetery or public burial grounds shall inform the executive director of the commission that such contact is being initiated.</p> <p>h. If the parties reach agreement during the negotiations prescribed by subsection (g) of this section, the persons or entities making</p> |
|--|---|

- contact with the owner or owners of lands shall file a written agreement signed by all parties with the Commission.
- i. If the parties cannot reach agreement during the negotiations prescribed by subsection (g) of this section, any party to the negotiations may request that the dispute be mediated pursuant to the Commission's Alternate Dispute Resolution Policy and Procedure as set out in §207.1 of this title.
 - j. If the mediation is successful, the mediated agreement shall be reduced to writing and filed with the Commission.
 - k. If the mediation is not successful, the Executive Director shall propose to the Commission the adoption of an order setting out a reasonable visitation schedule and a route or routes of reasonable ingress to the cemetery or private burial grounds for which no public ingress or egress is available.

- l. Notice and a copy of the proposed order will be sent by certified mail to all interested parties no less than 30 days prior to the Commission meeting at which the adoption of an order will be considered. At the meeting at which the adoption of an order will be considered, each affected party will be given an opportunity to offer testimony with respect to the proposed order.
- m. After consideration of the proposed order and any testimony taken, the Commissioners may adopt the order as proposed, may adopt the order with changes, or may defer action to a future meeting. An order adopted by the Commission under this section is final as of the date of the Commission's adoption of the order, as proposed or with changes, at a meeting. A copy of the Commission's final order will be sent to the parties by certified mail.

Rule §205.3 Crematory license requirement and procedure

- a. The crematory establishment license application shall be on a form furnished by the Commission and shall contain all information required by Texas Occupations Code, §651.657, including:
 - 1. A statement that all operators of the cremation chamber are certified by a reputable organization approved by the Commission.
 - 2. The names of all persons certified to operate the cremation chamber.
- b. The completed application, including all required documentation, and applicable fee shall be received before the Commission inspects the crematory establishment.
- c. A license is valid for a period of one year.
- d. The Commission may not renew an application until the applicant has met the requirements of Texas Occupations Code, §651.658(a).
- e. A crematory that fails to renew its license by its renewal date shall pay, in addition to the renewal fee, a late payment penalty equal in amount to the renewal fee.
- f. A crematory may not operate if a license is expired for over 30 days until the renewal fee and late payment penalty are paid.

Rule §205.6 Contracts for direct cremation services

An authorizing agent authorized to dispose of the remains of a deceased individual may contract directly for cremation services if the crematory is also licensed as a funeral establishment or if the authorizing agent

receives written authorization from either a Justice of the Peace or Medical Examiner of the county in which the death occurred.

Rule §205.7 Waiting period for cremation

Cremation may not occur sooner than 48 hours following the time of death indicated on the death certificate unless the waiting period is

waived in writing by a Justice of the Peace or a Medical Examiner of the county in which the death occurred; or by a court order.

Rule §205.9 Crematory annual report, extensions for good cause, and late fees

- a. The annual report required by Texas Occupation Code §651.658 shall cover the period from January 1 to December 31.
- b. The report must be postmarked by January 30 of the year following the year for which the report is due.
- c. The Executive Director shall grant an extension for filing the annual report for no more than 60 days upon proof of good cause.
- d. Good cause for purposes of subsection (c) of this section is an event beyond the control of the crematory owner or operator that prevents the owner or operator from timely completing and filing the annual report.
- e. Requests for extensions of time to file the annual report based on good cause will not be approved if received by the Commission later than January 15 following the year for which the report is due.
- f. A \$100 late fee will be imposed for each day a crematory establishment fails to submit the annual report if the Executive Director has not granted an extension of time for filing the report. The Commission has no authority to waive or reduce the late fee.

Rule §205.11 Prerequisites for cremation

Three documents are required to cremate deceased human remains:

- 1. A cremation authorization form signed by the person responsible for making arrangements for final disposition.
- 2. A death certificate or other death record indicating that the deceased human remains may be cremated.
- 3. A burial transit permit as required by 25 TAC §181.2.

Rule §205.13 Written waiver of identification required

A waiver of a right of identification under Health and Safety Code, §716.104(b) is valid only if given in writing.

Rule §205.15 Commingling limitations

- a. A crematory establishment may not simultaneously cremate the deceased human remains of more than one person in the same cremation chamber unless authorized by the authorizing agent of each deceased person in a cremation authorization form or other written document.
- b. A crematory establishment may not simultaneously cremate deceased human remains with items of value, pacemakers or other

potentially hazardous implants that are specifically disclosed by the authorizing agent on the cremation authorization form and are not authorized by the authorizing agent to be cremated with the deceased human remains.

TAC CHAPTER 206 GUARANTEED STUDENT LOANS

Rule §206.1 Default and repayment agreements

All individual license renewals are subject to Texas Education Code, §57.491 relating to defaults on guaranteed student loans and repayment agreements.

- 1. The Commission may issue an initial license to a person who is in default on a guaranteed student loan but shall not renew the license, unless the applicant furnishes a certification from the Texas Guaranteed Student Loan Corporation that the licensee has entered into a repayment plan on the loan or that the licensee is no longer in default on the loan.
- 2. The Commission shall not renew the license of a person who is in default on a guaranteed student loan, unless the renewal is the first renewal following the Commission's receipt of

notice of the licensee's default or the licensee has furnished the certification described in paragraph (1) of this section.

- 3. The Commission shall not renew the license of a person who defaults on a repayment agreement on a defaulted loan, unless the Commission receives a certification that the licensee has entered into another repayment agreement or that the licensee is no longer in default.
- 4. The Commission shall give the licensee an opportunity for hearing before taking action concerning the non-renewal of a license for default on a guaranteed student loan or a repayment agreement.

TAC CHAPTER 207 ALTERNATIVE DISPUTE RESOLUTION

Rule §207.1 Alternative dispute resolution policy and procedure

- a. The Commission encourages the resolution and early settlement of all contested matters through voluntary settlement procedures.
- b. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.
 - 1. ADR – Alternative dispute resolution.
 - 2. ADR procedure – A non-judicial and informally conducted forum for the voluntary settlement of contested matters through intervention of an impartial third party.
 - 3. ADR director – The member of staff designated by the Executive Director to coordinate and oversee ADR procedures and mediators.
 - 4. Contested matter – A complaint by a consumer or other interested party against a licensee or establishment or a complaint opened by the Commission.
 - 5. Mediator – The person appointed by the ADR director to preside over ADR proceedings regardless of which ADR method is used.
 - 6. Parties – The complainants, respondents, agencies, employees, managers, supervisors, licensees or consumers who are in conflict.
 - 7. Participants – The Executive Director, the Staff Attorney, the complainant, the respondent, the person who timely filed hearing requests which gave rise to the dispute or if parties have been named, the named parties.
 - 8. Private mediator – A person in the profession of mediation who is not a Texas state employee and who has met all the qualifications prescribed by Texas law for mediators.
- c. The Commission or the ADR director may seek to resolve a contested matter through any ADR procedure. Such procedures may include, but are not limited to, those applied to resolve

matters pending at the State Office of Administrative Hearing (SOAH).

- d. Appointment of mediator.
 - 1. For each matter referred for ADR procedures, the ADR director shall assign a mediator, unless the participants agree upon the use of a private mediator. The ADR director may assign a substitute or additional mediator to a proceeding as the ADR director deems necessary.
 - 2. A private mediator may be hired for ADR procedures provided that:
 - A. The participants unanimously agree to use a private mediator.
 - B. The participants unanimously agree to the selection of the person to serve as the mediator.
 - C. The mediator agrees to be subject to the direction of the ADR director and to all time limits imposed by the director, the SOAH Administrative Law Judge (ALJ), statute or rules.
 - 3. If a private mediator is used, the costs for the services of the mediator shall be apportioned equally among the participants, unless otherwise agreed upon by the participants, and shall be paid directly to the mediator. In no event, however, shall any such costs be apportioned to a governmental subdivision or entity that is a statutory party to the hearing.
 - 4. All mediators in Commission mediation proceedings shall subscribe to the ethical guidelines for mediators adopted by the ADR Section of the State Bar of Texas.
- e. Qualifications of mediators.
 - 1. The Commission shall establish a list of mediators to resolve contested matters through ADR procedures.
 - A. To the extent practicable, each mediator shall receive 40 hours of formal training in ADR procedures through programs approved by the ADR director.

- B. Other individuals may serve as mediators on an ad hoc basis in light of particular skills or experience which will facilitate the resolution of individual contested matters.
- C. Each mediator shall have some knowledge in the area of the contested matter.
 - 1. SOAH mediators, employees of other agencies who are mediators and private pro bono mediators may be assigned to contested matters as needed. If the mediator is a SOAH ALJ, that person will not also sit as the judge ALJ for the case if the contested matter goes to public hearing.
- f. Commencement of ADR.
 - 1. The Commission encourages the resolution of disputes at any time, whether under this policy and procedure or not. ADR procedures under this policy may begin, at the discretion of the ADR director, Executive Director or Staff Attorney.
 - 2. Upon unanimous motion of the parties and the discretion of the ALJ, the provisions of this subsection may apply to contested hearings. In such cases, it is within the discretion of the ALJ to continue the hearing to allow use of the ADR procedures.
- g. When ADR procedures do not result in the full settlement of a contested matter, the participants, in conjunction with the mediator, shall limit the contested issues which will be tried at SOAH through the entry of written stipulations. Such stipulations shall be forwarded or formally presented to the ALJ assigned to conduct the hearing on the merits and shall be included in the hearing record.
- h. Agreements of the participants reached as a result of ADR must be in writing and are enforceable in the same manner as any other written contract.
- i. Confidentiality of communications in alternative dispute resolution procedures.
 - 1. Except as provided in subsections (3) and (4) of this section a communication relating to the subject matter made by the participants in an ADR procedure whether before or after the institution of formal proceedings, is confidential, is not subject to disclosure and may not be used as evidence in any further proceedings.
 - 2. Any notes or record made of an ADR procedure are confidential, and participants, including the mediator, may not be required to testify in any proceedings relating to or arising out of the matter in dispute or be subject to process requiring disclosure of confidential information or data relating to or arising out of the matter in dispute.
 - 3. If this section conflicts with other legal requirements for disclosure of communications or materials, the issue of confidentiality may be presented to the ALJ to determine whether the facts, circumstances and context of the communications or materials sought to be disclosed warrant a protective order or whether the communications or materials are subject to disclosure.
 - 4. The mediator may not, directly or indirectly, communicate with the ALJ or any Commissioner, concerning any aspect of ADR negotiations made confidential by this section.

TAC CHAPTER 209

ETHICAL STANDARDS FOR PERSONS LICENSED BY THE COMMISSION

Rule §209.1 Ethical standards

- a. The licensee shall be knowledgeable of and adhere to all applicable federal and state laws, rules, codes, and all procedures established by the Commission. It is the obligation of the licensee to exercise reasonable judgment and skill in the performance of all duties and work performed as a licensee.
- b. A licensee who performs his or her duties in a negligent or incompetent manner, or does not perform his or her duties with honesty, integrity, or in a trustworthy manner violates Texas Occupation Code §651.459.
- c. Integrity.
 - 1. A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.
 - 2. A licensee shall refrain from engaging in acts or practices that constitute threats, coercion, or extortion.
 - 3. A licensee shall respect a consumer's right of personal choice and decisions with regard to making arrangements.
- d. The primary duty of the licensee is to ensure compliance with all applicable federal and state laws, rules, and codes. The licensee's position should be clear to all parties concerned while in the performance of all duties and work performed as a licensee.
- e. Specific Rules of Conduct.
 - 1. A licensee shall provide services to client families without regard to religion, race, color, national origin, sex, sexual orientation or disability.
 - 2. A licensee shall provide to consumers and prospective consumers, where applicable, all statutorily required documentation, pricing information, and any other information concerning funerals, cremations, burials, pricing, merchandise, and services, including a consumer brochure and retail price list, in a manner which is neither unfair nor deceptive.
 - 3. A licensee shall protect from disclosure confidential information pertaining to the deceased or the family of the deceased.
 - 4. A licensee shall account properly for and remit any monies, documents, or personal property that belongs to others that comes into the licensee's possession.
 - 5. A licensee shall not participate, whether individually or in concert with others, in any plan, scheme, or arrangement attempting or having as its purpose, which he/she knew or should have known was the evasion of any provision of the laws or the rules of the Commission.
 - 6. A licensee shall not provide information he or she knew or should have known was inaccurate, deceitful, or misleading to the Commission or a consumer while performing as a licensee.
 - 7. A licensee shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a licensee.
 - 8. A licensee shall not solicit business or offer inducement to secure or attempt to secure business except where authorized by law.
 - 9. A licensee shall not violate any statute, ordinance, or regulation affecting the handling, custody, care or transportation of a decedent.

TITLE 25 HEALTH SERVICES

PART I: DEPARTMENT OF HEALTH SERVICES

Additional agency authority and funeral industry responsibility can be found in various chapters of the Texas Health and Safety Code. Some

of these codes are discussed but to review the complete content, please visit <http://www.tfs.state.tx.us/Laws>.

CHAPTER 97 – COMMUNICABLE DISEASES

SUBCHAPTER A. CONTROL OF COMMUNICABLE DISEASES

Rule §97.13 Death of a person with certain communicable diseases

- a. If a physician has knowledge that a person had, at the time of death, a communicable disease listed in subsection (c) of this section, then the hospital administrator, clinic administrator, nurse, or the physician shall affix or cause to be affixed a tag on the body, preferably the great toe.
- b. The tag shall be on card stock paper and shall be no smaller than five centimeters by ten centimeters. The tag shall include the words “COMMUNICABLE DISEASE – BLOOD/BODY SUBSTANCE PRECAUTIONS REQUIRED” in letters no smaller than six millimeters in height. The name of the deceased person shall be written on the tag. The tag shall remain affixed to the body until the preparation of the body for burial has been completed.
- c. Diseases that shall require tagging are acquired immune deficiency syndrome (AIDS); anthrax; avian flu, brucellosis; cholera; Creutzfeldt-Jakob disease; Hantavirus pulmonary syndrome; hepatitis, viral; human immunodeficiency virus (HIV) infection; plague; Q fever; rabies; relapsing fever; Rocky Mountain spotted fever; severe acute respiratory syndrome (SARS); smallpox; syphilis; tuberculosis; tularemia; and viral hemorrhagic fevers.
- d. All persons should routinely practice standard infection control procedures when performing postmortem care on a deceased person who is known or suspected of having a communicable disease listed in subsection (c) of this section.

CHAPTER 181 – VITAL STATISTICS

SUBCHAPTER A. MISCELLANEOUS PROVISIONS

Rule §181.2 Assuming custody of body

- a. The funeral director, or person acting as such, who assumes custody of a dead body or fetus shall obtain an electronically filed report of death through a Vital Statistics Unit system or complete a report of death before transporting the body. The report of death shall within 24 hours be mailed or otherwise transmitted to the Local Registrar of the district in which the death occurred or in which the body was found. A copy of the completed or electronically filed report of death as prescribed by the Vital Statistics Unit shall serve as authority to transport or bury the body or fetus within this state.
- b. If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, the funeral director, or person acting as such, shall obtain a burial-transit permit from the Local Registrar where the death certificate is or will be filed, or from the State Registrar electronically through a Vital Statistics Unit electronic death registration system. The registrar shall not issue a burial-transit permit until a certificate of death, completed in so far as possible, has been presented (See §181.6 of this title (relating to Disinterment)).
- c. The funeral director, or person acting as such, shall furnish the sexton or other person in charge of a cemetery with the information required.

Rule §181.3 Transportation of dead bodies

- a. Bodies shipped by common carrier.
 1. Any body shipped by common carrier must be placed in either:
 - A. A sound casket enclosed in a strong outside shipping case.
 - B. A metal container specifically designed for this purpose.
 2. If the body is not embalmed or is in a state of decomposition, it may be shipped only after enclosure in an air-tight metal casket encased in a strong outside shipping case or in a sound casket encased in an air-tight metal or metal lined shipping case.
 3. Shipping containers and requirements for the shipping of dead bodies must meet or exceed any requirement imposed by the shipping company, the receiving state or foreign country.
 4. When any body is to be transported by common carrier, the burial-transit permit shall be enclosed in a strong envelope and attached to the shipping case. No separate transit permit shall be required.
- b. Bodies transported by means other than common carrier.
 1. Any body transported by means other than a common carrier must be encased in a container which insures against seepage of fluid and the escape of offensive odors, provided, however, that bodies transported by a licensed funeral director in a vehicle used for such purpose need not be so encased.
 2. If a dead body is to be transported by means other than a common carrier and for a purpose other than preparation or storage, the report of death form shall be enclosed in a strong envelope and attached to the container in which the body is enclosed.
 3. Duties of transportation companies. No transportation company shall accept any body for shipment until it has been ascertained that a properly completed burial-transit permit accompanies the body.

Rule §181.6 Disinterment

- a. Except as is authorized for a justice of the peace acting as coroner or medical examiner under the Code of Criminal Procedure, Chapter 49, remains may not be removed from a cemetery except on written order of the State Registrar or the State Registrar's designee.
- b. The licensed funeral director or professional archeologist to whom the disinterment permit is issued shall be responsible for the proper conduct of the disinterment and removal.
- c. The State Registrar shall issue a disinterment permit so as to provide a copy for the State Registrar, a copy retained by the funeral director or professional archeologist to whom issued, a copy filed with the sexton or person in charge of the cemetery in which the disinterment is to be made, and a copy for the Local Registrar of the district in which the death occurred. The State Registrar and the Local Registrar shall file the disinterment permit as an amendment to the death certificate and consider it part of the death certificate. The State Registrar and the Local Registrar shall include a copy of the disinterment permit with any future certified copies of the death certificate that are issued.
- d. A disinterment permit shall not be required if a body is to be disinterred and reinterred in the same cemetery.
- e. A disinterment permit shall not be required to remove cremains.
- f. Cremation is considered to be a final disposition of remains.
- g. A disinterred body must be transported in a container which insures against the seepage of fluid or the escape of offensive odors. When shipped by common carrier, a disinterred body must be enclosed in an airtight metal casket encased in a strong outside shipping case, or in a sound casket encased in an airtight metal or metal-lined shipping case. This requirement shall not apply if the disinterred remains involve no soft parts.
- h. The disinterment permit issued by the State Registrar shall serve as the authority to disinter, transport by means other than a common carrier, and re-inter a body within this state. (See §181.2 of this title (relating to Assuming Custody of Body.)
- i. A body kept in a receiving vault shall not be regarded as a disinterred body until after the expiration of 30 days.
- j. All disinterred remains kept in receiving vaults shall be thoroughly embalmed in a manner approved by the Texas Funeral Service Commission and shall be enclosed in a permanently sealed casket.
- k. The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent of the cemetery, the owner of the plot, and the decedent's next-of-kin.
- l. The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent order from the county judge to disinter a body from a grave when the cemetery, plot owner, and the decedent's next-of-kin are unknown.

Rule §181.7 Fetal death (stillbirth)

- a. A certificate of fetal death shall be filed for any fetus weighing 350 grams or more, or if the weight is unknown, a fetus aged 20 weeks or more as calculated from the start date of the last normal menstrual period to the date of delivery.
- b. A certificate of fetal death shall be considered properly filed:
 1. When all of the items thereon have been satisfactorily and definitely answered; and
 2. When the certificate has been presented for filing to the local registrar of the registration district in which the fetal death (stillbirth) occurred or the fetus was found. A certificate of fetal death (stillbirth) shall be filed with the local registrar within five days after the date of fetal death (stillbirth).

Conclusion

Texas residents of every race, age, religion, and socioeconomic group are impacted by the funeral and death care industry. According to the Texas State Data Center, the estimated Texas population for 2013 totaled 26,251,278 persons. The Department of State Health Services, Vital Statistics Division, reports that there were approximately 178,000 deaths in Texas during 2013.

With the Texas population and death rate, it is imperative the TFSC continues ensuring competent, well qualified; professionals are

licensed to serve the public while also ensuring compliance with statutory requirements via inspections and the investigation of violations. Funeral service professionals must be on the forefront of annual regulations and rules enacted, repealed, or amended. These laws implicitly affect their business, the services they provide, and their ethical responsibilities.

References

- Texas Funeral Service Commission (2015). TFSC Governing laws. Retrieved November 17, 2015 from <http://www.tfsc.state.tx.us/Laws>
- Texas Register (2015). Texas Administrative Code, Title 25, Part 1, Chapter 97, Communicable Diseases. Retrieved November 18, 2015 from https://texreg.sos.state.tx.us/public/readtacSext.ViewTAC?tac_view=4&ti=25&pt=1&ch=97.
- TFSC Statutorily Mandated Reports (2015). 2015-2019 TFSC Strategic plan. Retrieved from <http://www.tfsc.state.tx.us/Reports>

TEXAS MORTUARY LAW UPDATE

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

1. The TFSC is authorized to establish rules to implement and enforce the rules and regulations.
☐ True ☐ False
2. Licensed funeral directors and embalmers who actively practice in this state are required to obtain 20 hours of continuing education every two year renewal period.
☐ True ☐ False
3. A current licensee shall disclose in writing to the Commission any conviction against him or her related to the occupations of funeral directing or embalming as defined by §203.16(h) of this title at the time of renewal or no later than 30 days after judgment in the trial court, whichever date is earlier.
☐ True ☐ False
4. A funeral establishment must designate a funeral director in charge (FDIC) at the time it receives its establishment license and/or anytime the FDIC changes establishments.
☐ True ☐ False
5. In regards to Custody of Body, in cases where a Medical Examiner or Justice of the Peace has given permission to a funeral establishment to take custody of a body, the receiving funeral establishment may not embalm the body until the person responsible for making arrangements for final disposition has given permission.
☐ True ☐ False
6. Upon Staff Attorney approval of an Investigative Report finding a violation has occurred, the Investigator will send the Respondent(s) a copy of the Report and a letter notifying them of the Commission's determination to assess an administrative penalty and/or sanction the Respondent's license(s) and the Respondent(s) has 45 days from receipt of the letter to respond to this correspondence.
☐ True ☐ False
7. Regarding inspection procedures for licensed establishments, all inspections shall be announced and the inspectors shall review prior inspection reports, before inspecting an establishment.
☐ True ☐ False
8. Regarding purchase agreements, funeral providers must give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements.
☐ True ☐ False
9. Three documents are required to cremate deceased human remains:
 1. A cremation authorization form signed by the person responsible for making arrangements for final disposition.
 2. A death certificate or other death record indicating that the deceased human remains may be cremated.
 3. A burial transit permit.☐ True ☐ False
10. When assuming custody of a body or dead fetus, the funeral director or person acting as such, must obtain an electronically filed report of death through a Vital Statistics Unit system or complete a report of death before transporting the body. The report of death shall within 24 hours be mailed or otherwise transmitted to the Local Registrar of the district in which the death occurred or in which the body was found.
☐ True ☐ False



By: Elite Staff

Chapter 2: Texas Vital Statistics Update

2 CE Hours

Learning objectives

- Describe death registration in the Texas vital registration system.
- Know how to properly complete and file death certificates.
- Explain the amended language of Statute 711.002 – Disposition of remains and who has the right to control a decedent's body.
- Characterize how mortality data is collected and used in various medical and health-related research endeavors.

Introduction

Texas Funeral Service Professionals are required to complete a course in Vital Statistics Requirements and Regulations every year prior to renewing their license.

All the information in this course was taken from the Texas Department of State Health Services website at <http://www.tfsc.state.tx.us/Laws>.

This course reviews legislation in various chapters of the Texas Health and Safety Code, specifically:

- Chapter 193 Death records.
- Chapter 711 General provisions relating to cemeteries.
- Chapter 712 Perpetual care cemeteries.
- Chapter 713 Local regulations of cemeteries.
- Chapter 714 Miscellaneous provisions relating to cemeteries.
- Chapter 715 Certain historic cemeteries.

Within this course, the Texas Administrative Code, Title 25, Chapter 181 is also reviewed along with any recent 2015 rule changes, amendments, or additions from the aforementioned chapters of the TAC.

The first section describes death registration in the Texas vital registration system. It provides instructions for completing and filing death certificates along with related permits. From there, we will review the rules relating to cemeteries, types of cemeteries, and miscellaneous provisions that will apply to the funeral industry in Texas.

A death certificate is a permanent legal record of an individual's death and is extremely important to the family of the deceased person. The information recorded on the death certificate is used for application of insurance benefits, settlement of pension claims, and to transfer title of real and personal property. Information recorded on a death certificate provides evidence of the fact of death and can be produced as evidence in a court of law.

The death certificate provides important information data on mortality that is used in a variety of medical and health-related research efforts. As you are aware, mortality statistics identify the causes of death and help evaluate diagnostic and therapeutic techniques. These statistics are used to assess the general health of Texas citizens. Mortality statistics also help identify diseases found among specific groups of people and determines where medical research may have the greatest impact on reducing mortality. Statistical information is also used to allocate medical and nursing services and to follow the course of infectious diseases.

Because mortality statistics are no more accurate than the information submitted on death certificates, it is very important that all death certificates be completed and filed with accuracy and promptness.

HEALTH AND SAFETY CODE TITLE 3. VITAL STATISTICS

Chapter 193. Death records

Not many changes were made in 2015 regarding the substance of the rules but a few terms within the rules changed. Throughout this section, new language is denoted by underlined text _____, and deleted language is crossed out or deleted, as so:

Form of certificate. Sec. 193.001. (amended)

- a. In filing the death certificate, the department shall ensure that the form instructs the person required to file the death certificate or fetal death certificate to:
 1. Enter the date in the standard order of "month, day, year."
 2. Spell out the name of the month when entering the date.
- b. The social security number shall be recorded on the death certificate and on any other records related to the death.
- c. The department shall require death certificates and fetal death certificates to include the name of the place and the specific number of the plot, crypt, lawn crypt, or niche in which a decedent's remains will be interred or, if the remains will not be interred, the place and manner of other disposition.

- d. The ~~department~~ bureau of vital statistics and each local registrar shall make the information provided under Subsection (c) available to the public and may charge a fee in an amount prescribed under Section 191.0045 for providing that service.

Person required to file. Sec. 193.002.

The person in charge of interment or in charge of removal of a body from a registration district for disposition shall:

1. Obtain and file the death certificate or fetal death certificate.
2. Enter on the certificate the information relating to disposition of the body.
3. Sign the certificate.
4. File the certificate electronically as specified by the state registrar.

Time and place for filing death certificate. Sec. 193.003. (amended)

- a. Not later than the 10th day after the date of a death that occurs in this state, a death certificate shall be filed with the local registrar of the registration district in which:
 1. The death occurs.
 2. The body is found, if the place of death is not known.
- b. Subject to department (~~bureau of vital statistics~~) rules, a certificate of a fetal death that occurs in this state shall be filed with the local registrar of the registration district in which:
 1. The fetal death occurs.
 2. The body is found, if the place of fetal death is not known.

Personal and medical information. Sec. 193.004.

- a. The person required to file a death certificate shall obtain the required personal information from a competent person with knowledge of the facts.
- b. The person required to file a fetal death certificate shall obtain the required personal information from the person best qualified to furnish the information.
- c. A person required to obtain information under this section shall obtain the information over the signature of the person who furnishes the information.

Disciplinary action prohibited. Sec. 193.0041.

A state agency that licenses a person required to file a death certificate under this chapter may not take disciplinary action against the person for failure to timely file the certificate if the person supplies written documentation that the person has made a good faith effort to file the certificate within the time required by Section 193.003(a) and the failure to timely file the certificate results from circumstances beyond the person's control.

Personal information. Sec. 193.005.

- a. A person required to file a death certificate or fetal death certificate shall obtain the required medical certification from an attending physician if the death occurred under medical attendance for the care and treatment of the condition or disease process that contributed to the death.
- b. The attending physician shall complete the medical certification not later than (5) five days after receiving the death certificate.
- c. An associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the decedent may complete the medical certification if:
 1. The attending physician is unavailable.
 2. The attending physician approves.
 3. The person completing the medical certification has access to the medical history of the case and the death is due to natural causes.
- d. If a death or fetal death occurs without medical attendance or is otherwise subject to Chapter 49, Code of Criminal Procedure, the person required to file the death or fetal death certificate shall notify the appropriate authority of the death.
- e. A person conducting an inquest required by Chapter 49, Code of Criminal Procedure, shall:
 1. Complete the medical certification not later than (5) five days after receiving the death or fetal death certificate.
 2. State on the medical certification the disease that caused the death or, if the death was from external causes, the means of death and whether the death was probably accidental, suicidal, or homicidal, and any other information required by the state registrar to properly classify the death.
- f. If the identity of the decedent is unknown, the person conducting the inquest shall obtain and forward to the Department of Public Safety:
 1. The decedent's fingerprints.
 2. Information concerning the decedent's hair color, eye color, height, weight, deformities, and tattoo marks.
 3. Other facts required for assistance in identifying the decedent.
- g. If the medical certification cannot be completed in a timely manner, the person required to complete the medical certification shall give the funeral director or the person acting as funeral

director notice of the reason for the delay. Final disposition of the body may not be made unless specifically authorized by the person responsible for completing the medical certification.

- h. The person completing the medical certification shall submit the information and attest to its validity using an electronic process approved by the state registrar.
- i. On receipt of autopsy results or other information that would change the information in the medical certification on the death certificate, the appropriate certifier shall immediately report the change in a manner prescribed by the department to amend the death certificate.
- j. The death certificate of a decedent who was an inmate of the Texas Department of Criminal Justice at the time of death and who was lawfully executed shall classify the manner of death as death caused by judicially ordered execution.

Information relating to veterans. Sec. 193.006. (amended)

- a. This section applies to the death certificate of a person who:
 1. Served in a war, campaign, or expedition of the United States, the Confederate States of America, or the Republic of Texas.
 2. Was the wife or widow of a person who served in a war, campaign, or expedition of the United States, the Confederate States of America, or the Republic of Texas.
 3. At the time of death was in the service of the United States.
- b. The funeral director or the person in charge of the disposition of the body shall supply on the reverse side of the death certificate:
 1. The organization in which service was rendered.
 2. The serial number on the discharge papers or the adjusted service certificate.
 3. The name and mailing address of the decedent's next of kin or next friend.
- c. When the death certificate is filed locally, the local registrar shall immediately notify the nearest congressionally chartered veteran organizations.
- d. When the death certificate is filed with the ~~bureau of vital statistics unit~~, the state registrar shall notify the Texas Veterans Commission.

Delayed registration of death. Sec. 193.007. (amended)

- a. A death that occurred more than 10 days but less than one year before the date of an application for registration of death may be recorded on a death certificate and submitted for filing with the local registrar of the registration district in which the death occurred.
- b. To file a record of a death that occurred in this state but was not registered within one year of the date of death, a person shall submit a record of the death to the county probate court in the county in which the death occurred.
- c. The ~~department~~ bureau of vital statistics shall furnish a form for filing records under this section. Records submitted under this section must be on the form furnished by the ~~department~~ bureau. The state registrar may accept a certificate that is verified as provided by this section.
- d. The certificate must be supported by the affidavit of:
 1. The physician last in attendance on the decedent or the funeral director who buried the body.
 2. If the affidavit of the physician or funeral director cannot be obtained.
 - A. Any person who was acquainted with the facts surrounding the death when the death occurred.
 - B. Another person who was acquainted with the facts surrounding the death but who is not related to the decedent by consanguinity or affinity, as determined under Chapter 573, Government Code.
- e. For each application under this section, the court shall collect a \$1 fee. The court retains 50 cents of the fee and the remaining 50 cents is allocated to the clerk of the court for recording the certificate.

- f. Not later than the seventh day after the date on which a certificate is accepted and ordered filed by a court under this section, the clerk of the court shall forward to the ~~bureau of vital statistics~~ unit:
1. The certificate.
 2. An order from the court that the state registrar accept the certificate.

Burial-transit permit. Sec. 193.008.

- a. A burial-transit permit issued under the law and rules of a place outside of this state in which a death or fetal death occurred authorizes the transportation of the body in this state. A cemetery or crematory shall accept the permit as authorization for burial, cremation, or other disposal of the body in this state.
- b. The department shall prescribe the form and contents of the burial-transit permit.

Burial records. Sec. 193.009.

- a. The person in charge of premises on which interments are made shall keep a record of the bodies interred or otherwise disposed of on the premises.
- b. The records must include for each decedent:
1. The decedent's name.
 2. The place of death.
 3. The date of interment or disposal.
 4. The name and address of the funeral director.
 5. Any other information required by the state registrar.
- c. The records are open to official inspection at all times.

Certificate of death by catastrophe. Sec. 193.010.

- a. In this section, "catastrophe" means the occurrence of a substantial force that causes widespread or severe damage, injury, or loss of life or property and from which it is not reasonable to assume that a person could survive, including:
1. Flood, earthquake, tornado, or other natural disaster.
 2. Explosion, fire, or destruction of a building.
 3. The crash of a motor vehicle, train, or airplane involving more than one person.
 4. The overtaking of more than one person by fire, water, earth, or other substance.
- b. A local registrar shall issue and file a certificate of death by catastrophe for a person if:
1. An affidavit is submitted to the registrar stating that:
 - A. The person was last reasonably believed to be at the scene of a catastrophe.
 - B. At least 10 days have passed since the day of the catastrophe.
 - C. A diligent search has been made by a governmental authority and the authority has concluded the search for the person.
 - D. The catastrophe was not intentionally caused by the person.
 - E. The affiant:
 - i. Does not know whether the person is alive or dead.
 - ii. Has not received any information about the person's status since the catastrophe and, barring the person's death, would have received information about the person's status.

- iii. Is not aware of any custody or guardianship issues involving the person, if the person is a minor or a person for whom a guardian has been appointed.
- iv. Is not aware of any reasonable motive for the person to disappear or for another person to abduct the person.

2. A written statement signed by an agent of the governmental authority that conducts a search under Subdivision (1)(C) is submitted to the registrar stating that the governmental authority conducted and concluded a search for the person.

- c. The department may issue a certificate of death by catastrophe for a minor or a person for whom a guardian has been appointed who is the subject of a custody or guardianship dispute only if all parties to the dispute submit an affidavit under Subsection (b).
- d. An insurer shall accept as proof of death of an insured a certificate of death by catastrophe issued under this section.

Memorandum of understanding on suicide data. Sec. 193.011.

- a. In this section, "authorized entity" means a medical examiner, a local registrar, a local health authority, a local mental health authority, a community mental health center, a mental health center that acts as a collection agent for the suicide data reported by community mental health centers, or any other political subdivision of this state.
- b. An authorized entity may enter into a memorandum of understanding (MOU) with another authorized entity to share suicide data that does not name a deceased individual. The shared data may include:
1. The deceased individual's date of birth, race or national origin, gender, and zip code of residence.
 2. Any school or college the deceased individual was attending at the time of death.
 3. The suicide method used by the deceased individual.
 4. The deceased individual's status as a veteran or member of the armed services.
 5. The date of the deceased individual's death.
- c. The suicide data an authorized entity receives or provides under Subsection (b) is not confidential.
- d. An authorized entity that receives suicide data under a memorandum of understanding authorized by this section may periodically release suicide data that does not name a deceased individual to an agency or organization with recognized expertise in suicide prevention. The agency or organization may use suicide data received by the agency or organization under this subsection only for suicide prevention purposes.
- e. An authorized entity or an employee or agent of an authorized entity is not civilly or criminally liable for receiving or providing suicide data that does not name a deceased individual and that may be shared under a memorandum of understanding authorized by this section.
- f. This section does not prohibit the sharing of data as authorized by other law.

HEALTH AND SAFETY CODE, TITLE 8, DEATH AND DISPOSITION OF THE BODY SUBTITLE C. CEMETERIES AND CREMATORIES

Chapter 711. General provisions relating to cemeteries

Definitions. Sec. 711.001.

In this chapter:

1. **Burial park** means a tract of land that is used or intended to be used for interment in graves.
2. **Campus** means the area:
- A. Within the boundaries of one or more adjacent tracts, parcels, or lots under common ownership.

- B. On which the principal church building and related structures and facilities of an organized religious society or sect are located.
- C. That may be subject to one or more easements for street, utility, or pipeline purposes.

3. **Cemetery** means a place that is used or intended to be used for interment, and includes a graveyard, burial park, mausoleum, or any other area containing one or more graves.
 - 2a. **Cemetery element** means a grave, memorial, crypt, mausoleum, columbarium, or other item that is associated with the cemetery, including a fence, road, curb, wall, path, gate, or bench and the lighting and landscaping.
 - 2b. **Cemetery broker** means a person who sells the exclusive right of sepulture for another person. The term does not include a person who:
 - A. Is an officer, agent, or employee of the cemetery organization in which the plot is located and who is exempt from registration under Subchapter C-1.
 - B. Originally purchased the exclusive right of sepulture for personal use.
 4. **Cemetery organization** means:
 - A. An unincorporated association of plot owners not operated for profit that is authorized by its articles of association to conduct a business for cemetery purposes; or (B) a corporation, as defined by Section 712.001(b)(3), that is authorized by its certificate of formation or its registration to conduct a business for cemetery purposes.
 5. **Cemetery purpose** means a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery property.
 6. **Columbarium** means a durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated remains.
 - 5a. **Cremains receptacle** means a marker, boulder, bench, pedestal, pillar, or other aboveground vessel that contains niches for cremated remains.
 7. **Cremated remains or cremains** means the bone fragments remaining after the cremation process, which may include the residue of any foreign materials that were cremated with the human remains.
 8. **Cremation** means the irreversible process of reducing human remains to bone fragments through extreme heat and evaporation, which may include the processing or the pulverization of bone fragments.
 9. **Crematory** means a structure containing a furnace used or intended to be used for the cremation of human remains.
 10. **Crematory and columbarium** means a durable, fireproof structure containing both a crematory and columbarium.
 11. **Crypt** means a chamber in a mausoleum of sufficient size to inter human remains.
 12. **Directors** means the governing body of a cemetery organization.
 13. **Entombment** means interment in a crypt.
 14. **Funeral establishment** means a place of business used in the care and preparation for interment or transportation of human remains, or any place where one or more persons, either as sole owner, in co-partnership, or through corporate status, are engaged or represent themselves to be engaged in the business of embalming or funeral directing.
 15. **Grave** means a space of ground that contains interred human remains or is in a burial park and that is used or intended to be used for interment of human remains in the ground.
 16. **Human remains** means the body of a decedent.
 17. **Interment** means the permanent disposition of remains by entombment, burial, or placement in a niche.
 18. **Interment right** means the right to inter the remains of one decedent in a plot.
 19. **Inurnment** means the placement of cremated remains in an urn.
 20. **Lawn crypt** means a subsurface receptacle installed in multiple units for ground burial of human remains.
 21. **Mausoleum** means a durable, fireproof structure used or intended to be used for entombment.
 - 20a. **Memorial** means a headstone, tombstone, gravestone, monument, or other marker denoting a grave.
 22. **Niche** means a space in a columbarium or cremains receptacle used or intended to be used for the placement of cremated remains in an urn or other container.
 23. **Nonperpetual care cemetery** means a cemetery that is not a perpetual care cemetery.
 24. **Perpetual care or endowment care** means the maintenance, repair, and care of all places in the cemetery.
 25. **Perpetual care cemetery or endowment care cemetery** means a cemetery for the benefit of which a perpetual care trust fund is established as provided by Chapter 712.
 26. **Plot** means space in a cemetery owned by an individual or organization that is used or intended to be used for interment, including a grave or adjoining graves, a crypt or adjoining crypts, a lawn crypt or adjoining lawn crypts, or a niche or adjoining niches.
 27. **Plot owner** means a person:
 - A. In whose name a plot is listed in a cemetery organization's office as the owner of the exclusive right of sepulture.
 - B. Who holds, from a cemetery organization, a certificate of ownership or other instrument of conveyance of the exclusive right of sepulture in a particular plot in the organization's cemetery.
 28. **Prepaid funeral contract** means a written contract providing for prearranged or prepaid funeral services or funeral merchandise.
 29. **Remains** means either human remains or cremated remains.
- Disposition of remains; duty to inter. Sec. 711.002 (amended 2015)**
- This is a specific section which was amended by the 84th Legislature this year. One of the most common questions received by the Texas Compliance Division relates to who has the right to control the disposition of a decedent's body. Section (k) of the 711.002 also outlines the appropriate measures to take if a dispute arises as to the right to control the disposition of a decedent's body.
- a. Except as provided by Subsection (l), unless a decedent has left directions in writing for the disposition of the decedent's remains as provided in Subsection (g), the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains, shall inter the remains, and in accordance with Subsection (a-1) are liable for the reasonable cost of interment:
 1. The person designated in a written instrument signed by the decedent.
 2. The decedent's surviving spouse.
 3. Any one of the decedent's surviving adult children.
 4. Either one of the decedent's surviving parents.
 5. Any one of the decedent's surviving adult siblings.
 6. Any one or more of the duly qualified executors or administrators of the decedent's estate.
 7. Any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.
 - a-1. If the person with the right to control the disposition of the decedent's remains fails to make final arrangements or appoint another person to make final arrangements for the disposition before the earlier of the 6th day after the date the person received notice of the decedent's death or the 10th day after the date the decedent died, the person is presumed to be unable or unwilling to control the disposition.
 1. The person's right to control the disposition is terminated.
 2. The right to control the disposition is passed to the following persons in the following priority:

A. Any other person in the same priority class under Subsection (a) as the person whose right was terminated.

B. A person in a different priority class, in the priority listed in Subsection (a).

(a-2) If a United States Department of Defense Record of Emergency Data, DD Form 93, or a successor form, was in effect at the time of death for a decedent who died in a manner described by 10 U.S.C. Sections 1481(a) (1) through (8), the DD Form 93 controls over any other written instrument described by Subsection (a)(1) or (g) with respect to designating a person to control the disposition of the decedent's remains. Notwithstanding Subsections (b) and (c), the form is legally sufficient if it is

properly completed, signed by the decedent, and witnessed in the manner required by the form.

(a-3) A person exercising the right to control the disposition of remains under Subsection (a), other than a duly qualified executor or administrator of the decedent's estate, is liable for the reasonable cost of interment and may seek reimbursement for that cost from the decedent's estate. When an executor or administrator exercises the right to control the disposition of remains under Subsection (a)(6), the decedent's estate is liable for the reasonable cost of interment, and the executor or administrator is not individually liable for that cost.

b. The written instrument referred to in Subsection (a)(1) may ~~shall~~ be in substantially the following form:

Appointment For ~~Of Agent To Control~~ Disposition Of Remains

I, _____,
(your name and address)

being of sound mind, willfully and voluntarily make known my desire that, upon my death, the disposition of my remains shall be controlled by _____

in accordance with Section 711.002 of the Health and Safety Code and, with respect to that subject only, I hereby appoint such person as my agent (attorney-in-fact).

All decisions made by my agent with respect to the disposition of my remains, including cremation, shall be binding.

Special Directions:

Set forth below are any special directions limiting the power granted to my agent:

Agent:

Name: _____

Address: _____

Telephone Number: _____

~~Acceptance of Appointment~~

~~Signature of Agent~~

~~Date of Signature~~

Successors:

If my agent, or a successor agent dies, becomes legally disabled, resigns, or refuses to act, or if I divorce my agent or successor agent and this instrument does not state that the divorced agent or successor agent continues to serve after my divorce from that agent or successor agent, I hereby appoint the following persons (each to act alone and successively, in the order named) to serve as my agent (attorney-in-fact) to control the disposition of my remains as authorized by this document:

1. First Successor

Name: _____

Address: _____

Telephone Number: _____

~~Acceptance of Appointment~~

~~(Signature of first successor)~~

~~Date of Signature~~

2. Second Successor

Name: _____

Address: _____

Telephone Number: _____

~~Acceptance of Appointment:~~

~~(Signature of second successor)~~

~~Date of Signature:~~

Duration:

This appointment becomes effective upon my death.

Prior Appointments Revoked:

I hereby revoke any prior appointment of any person to control the disposition of my remains.

Reliance:

I hereby agree that any cemetery organization, business operating a crematory or columbarium or both, funeral director or embalmer, or funeral establishment who receives a copy of this document may act under it. Any modification or revocation of this document is not effective as to any such party until that party receives actual notice of the modification or revocation. No such party shall be liable because of reliance on a copy of this document.

Assumption:

THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS APPOINTMENT, ASSUMES THE OBLIGATIONS PROVIDED IN, AND IS BOUND BY THE PROVISIONS OF, SECTION 711.002 OF THE HEALTH AND SAFETY CODE.

Signatures:

This written instrument and my appointments of an agent and any successor agent in this instrument are valid without the signature of my agent and any successor agents below. Each agent, or a successor agent, acting pursuant to this appointment must indicate acceptance of the appointment by signing below before acting as my agent.

Signed this _____ day of _____, 2019__.

(your signature)

State of _____

County of _____

This document was acknowledged before me on ____ + ____ (date) by _____ (name of principal).

(Signature of notarial officer)

(Seal, if any, of notary)

(Printed name)

My commission expires:

Acceptance and Assumption by Agent:

I have no knowledge of or any reason to believe this Appointment for Disposition of Remains has been revoked. I hereby accept the appointment made in this instrument with the understanding that I will be individually liable for the reasonable cost of the decedent's interment, for which I may seek reimbursement from the decedent's estate.

Acceptance of Appointment: _____
(Signature of agent)

Date of Signature: _____

Acceptance of Appointment: _____
(Signature of first successor)

Date of Signature: _____

Acceptance of Appointment: _____
(Signature of second successor)

Date of Signature: _____

- c. A written instrument is legally sufficient under Subsection (a)(1) if the instrument designates a person to control the disposition of the decedent's remains, the instrument is signed by the decedent, the signature of the decedent is acknowledged, and the agent or successor agent signs the instrument before acting as the decedent's agent. Unless the instrument provides otherwise, the designation of the decedent's spouse as an agent or successor agent in the instrument is revoked on the divorce of the decedent and the spouse appointed as an agent or successor agent ~~[wording of the instrument complies substantially with Subsection (b), the instrument is properly completed, the instrument is signed by the decedent, the agent, and each successor agent, and the signature of the decedent is acknowledged]~~. Such written instrument may be modified or revoked only by a subsequent written instrument that complies with this subsection.
- d. A person listed in Subsection (a) has the right, duty, and liability provided by that subsection only if there is no person in a priority listed before the person.
- e. If there is no person with the duty to inter under Subsection (a).
1. An inquest is held, the person conducting the inquest shall inter the remains.
 2. An inquest is not held, the county in which the death occurred shall inter the remains.
- f. A person who represents that the person knows the identity of a decedent and, in order to procure the disposition, including cremation, of the decedent's remains, signs an order or statement, other than a death certificate, warrants the identity of the decedent and is liable for all damages that result, directly or indirectly, from that warrant.
- g. A person may provide written directions for the disposition, including cremation, of the person's remains in a will, a prepaid funeral contract, or a written instrument signed and acknowledged by such person. A party to the prepaid funeral contract or a written contract providing for all or some of a decedent's funeral arrangements who fails to honor the contract is liable for the additional expenses incurred in the disposition of the decedent's remains as a result of the breach of contract. The directions may govern the inscription to be placed on a grave marker attached to any plot in which the decedent had the right of sepulture at the time of death and in which plot the decedent is subsequently interred. The directions may be modified or revoked only by a subsequent writing signed and acknowledged by such person. The person otherwise entitled to control the disposition of a decedent's remains under this section shall faithfully carry out the directions of the decedent to the extent that the decedent's estate or the person controlling the disposition are financially able to do so.
- h. If the directions are in a will, they shall be carried out immediately without the necessity of probate. If the will is not probated or is declared invalid for testamentary purposes, the directions are valid to the extent to which they have been acted on in good faith.
- i. A cemetery organization, a business operating a crematory or columbarium or both, a funeral director or an embalmer, or a funeral establishment shall not be liable for carrying out the written directions of a decedent or the directions of any person who represents that the person is entitled to control the disposition of the decedent's remains.
- j. Repealed by Acts 2011, 82nd Leg., R.S., Ch. 707, Sec. 3, eff. June 17, 2011.
- k. Any dispute among any of the persons listed in Subsection (a) concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court of competent jurisdiction. A cemetery organization or funeral establishment shall not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled.
- l. A person listed in Subsection (a) may not control the disposition of the decedent's remains if, in connection with the decedent's death, an indictment has been filed charging the person with a crime under Chapter 19, Penal Code, that involves family violence against the decedent. A person regulated under Chapter 651, Occupations Code, who knowingly allows the person charged with a crime to control the disposition of the decedent's remains in violation of this subsection commits a prohibited practice under Section 651.460, Occupations Code, and the Texas Funeral Service Commission may take disciplinary action or assess an administrative penalty against the regulated person under that chapter.

Criminal penalties. Sec. 711.052.

- a. A person who is an individual, firm, association, corporation, or municipality, or an officer, agent, or employee of an individual, firm, association, corporation, or municipality, commits an offense if the person:
1. Engages in a business for cemetery purposes in this state other than through a corporation organized for that purpose, if a corporation is required by law.
 2. Fails or refuses to keep records of interment as required by Sections 711.003 and 711.004.
 3. Sells, offers to sell, or advertises for sale a plot or the exclusive right of sepulture in a plot for purposes of speculation or investment.
 4. Represents through advertising or printed material that a retail department will be established for the resale of the plots of plot purchasers, that specific improvements will be made in the cemetery, or that specific merchandise or services will be furnished to a plot owner, unless adequate funds or reserves are created by the cemetery organization for the represented purpose.
 5. Makes more than one interment in a plot in a cemetery operated by a cemetery organization other than as provided by Section 711.0395. ~~[or]~~
 6. Removes remains from a plot in a cemetery operated by a cemetery organization without complying with Section 711.004.
 - ~~(7)~~ [(5)] Offers or receives monetary inducement to solicit business for a cemetery broker.
 - ~~(8)~~ ~~[(6)]~~ Fails or refuses to keep records of sales or resales or to collect and remit fees as required by Section 711.0381.
 - ~~(9)~~ ~~[(7)]~~ Fails or refuses to register as a cemetery broker as required by Subchapter C-1.
- b. A cemetery organization or an officer, agent, or employee of the cemetery organization commits an offense if the cemetery organization, officer, agent, or employee offers any inducement, pecuniary or otherwise, to any person or entity for the purpose of securing or attempting to secure business for that cemetery organization. This subsection does not prohibit the offering or payment by a cemetery organization of any such inducement, pecuniary or otherwise, to an officer, employee, agent, subcontractor, or representative of the cemetery organization.
- c. A cemetery organization or an officer, agent, or employee of the cemetery organization commits an offense if the cemetery organization, officer, agent, or employee of a cemetery organization offers a free plot in a drawing, in a lottery, or in another manner, unless the offer is for the immediate burial of an indigent person.
- d. Except as provided by this subsection, an offense under this section is a Class A misdemeanor. An offense under Subsection (a) (5) or (6) is a felony of the second degree.

HEALTH AND SAFETY CODE, TITLE 8, SUBTITLE C, CEMETERIES AND CREMATORIES

Chapter 712. Perpetual Care Cemeteries

Subchapter A. General provisions

Definitions. Sec. 712.001.

- a. The definitions provided by Section 711.001 apply to this chapter.
- b. In this chapter:
 1. **Banking department** or **department** means the Banking Department of Texas.
 2. **Commissioner** means the Banking Commissioner of Texas.
 3. **Corporation** means a filing entity or foreign filing entity, as those terms are defined by Section 1.002, Business Organizations Code, or an entity that is organized under this chapter, or any corresponding statute in effect before September 1, 1993, to operate one or more perpetual care cemeteries in this state.
 4. **Fund** means a perpetual care trust fund established by one or more corporations under this chapter or any corresponding statute in effect before September 1, 1993.
 - (4-a) **Preconstruction trust** means a trust established by a corporation under this chapter for the purpose of administering proceeds from sales of undeveloped mausoleum spaces.
 - (4-b) **Preconstruction trustee** means the trustee of a preconstruction trust.
 5. **Trustee** means the trustee of a cemetery perpetual care trust fund.
 6. **Undeveloped mausoleum space** means a crypt or niche in a mausoleum or mausoleum section that is designed to contain at least 10 crypt or niche interments and that is not ready for the interment of human remains or cremated remains on the date an interment right pertaining to the mausoleum space is sold. The term does not include a private mausoleum or mausoleum section in which all mausoleum spaces are intended to be sold under a single contract.

Exemptions from chapter. Sec. 712.002.

This chapter does not apply to:

1. A family, fraternal, or community cemetery that is not larger than 10 acres.
2. An unincorporated association of plot owners not operated for profit.
3. A church, a religious society or denomination, or an entity solely administering the temporalities of a church or religious society or denomination.
4. A public cemetery owned by this state, a county, or a municipality.

Registration required; minimum capital. Sec. 712.003.

- a. A perpetual care cemetery may not be operated in this state unless a certificate of formation for a domestic filing entity or registration to transact business for a foreign filing entity is filed with the secretary of state showing:
 1. Subscriptions and payments in cash for 100 percent of the entity's ownership or membership interests.
 2. The location of its perpetual care cemetery.
 3. A certificate showing the deposit in its fund of the minimum amount required under Section 712.004.
- b. A corporation chartered on or after September 5, 1955, and before September 1, 1993, must have a minimum capital of:
 1. \$15,000, if the cemetery serves a municipality with a population of less than 15,000.
 2. \$30,000, if the cemetery serves a municipality with a population of 15,000 to 25,000.
 3. \$50,000, if the cemetery serves a municipality with a population of at least 25,000.
- c. A corporation chartered on or after September 1, 1993, and before September 1, 2013, must have:
 1. A minimum capital of \$75,000.

2. A minimum of \$75,000 in capital for each certificate of authority to operate a perpetual care cemetery issued to the corporation on or after September 1, 2013.
- c-1. A corporation whose certificate of formation takes effect on or after September 1, 2013, must have a minimum of \$75,000 in capital for each certificate of authority to operate a perpetual care cemetery issued to the corporation.
- d. A nonprofit association or corporation operated solely for the benefit of plot owners seeking to convert a cemetery to a perpetual care cemetery under this chapter is not required to meet the requirements prescribed by this section and Section 712.004 if the cemetery has existed for at least 75 years and the association or corporation has operated the cemetery for the preceding 10 years.

Certificate of authority requirement. Sec. 712.0032.

A corporation must hold a certificate of authority issued under this chapter to operate a perpetual care cemetery.

Certificate of authority application; fees. Sec. 712.0033.

- a. To obtain a certificate of authority to operate a perpetual care cemetery, an applicant must, not later than the 30th day after the date a corporation files its certificate of formation or application for registration with the secretary of state:
 1. File an application, made under oath, on a form prescribed by the department.
 2. Pay a filing fee in an amount set by the Finance Commission of Texas under Section 712.008.
- b. If the corporation fails to comply with Subsection (a), the commissioner may instruct the secretary of state to remove the corporation from the secretary's active records or cancel the corporation's registration. On an instruction from the commissioner under this subsection, the secretary of state shall remove the corporation from the secretary's active records or cancel the corporation's registration and serve notice of the cancellation on the corporation by registered or certified letter, addressed to the corporation's address.
- c. A fee or cost paid under this chapter in connection with an application or renewal is not refundable.

Qualifications for certificate of authority; investigation. Sec. 712.0034.

- a. The commissioner may investigate an applicant before issuing a certificate of authority.
- b. To qualify for a certificate of authority under this chapter, an applicant must demonstrate to the satisfaction of the commissioner that:
 1. The applicant's business ability, experience, character, financial condition, and general fitness warrant the public's confidence.
 2. The cemetery operations manager has at least two years of experience in cemetery management.
 3. The issuance of the certificate of authority is in the public interest.
 4. The applicant, a principal of the applicant, or a person who controls the applicant does not owe the department a delinquent fee, assessment, administrative penalty, or other amount imposed under this chapter or a rule adopted or order issued under this chapter.
 5. The applicant corporation:
 - A. Is in good standing and statutory compliance with this state.
 - B. Is authorized to engage in the perpetual care cemetery business in this state.

- C. Does not owe any delinquent franchise or other taxes to this state.

Issuance of certificate of authority. Sec. 712.0035.

- a. The commissioner shall issue a certificate of authority if the commissioner finds that:
1. The applicant meets the qualifications listed in Section 712.0034 and it is reasonable to believe that the applicant's cemetery business will be conducted fairly and lawfully, according to applicable state and federal law, and in a manner commanding the public's trust and confidence.
 2. The issuance of the certificate of authority is in the public interest.
 3. The documentation and forms required to be submitted by the applicant are acceptable.
 4. The applicant has satisfied all requirements for issuance of a certificate of authority.
- b. The applicant is entitled, on request, to a hearing on a denial of the application. The request must be filed with the commissioner not later than the 30th day after the date the notice of denial is mailed. The hearing must be held not later than the 60th day after the date of the request unless the administrative law judge extends the period for good cause or the parties agree to a later hearing date. The hearing is a contested case under Chapter 2001, Government Code.

Term of certificate of authority. Sec. 712.0036.

An initial certificate of authority expires March 1 of the year after the year the certificate is issued. The certificate must be renewed at that time and by March 1 of each following year.

Renewal of certificate of authority. Sec. 712.0037.

- a. As a condition of renewal, a certificate holder must meet the qualifications and satisfy the requirements that apply to an applicant for a new certificate of authority. Additionally, not later than the certificate's annual renewal date, a certificate holder shall:
1. Pay an annual renewal fee in an amount established by Finance Commission of Texas rule.
 2. Submit a renewal report under oath and in the form and medium required by the commissioner that demonstrates that the certificate holder meets the qualifications and requirements for holding a certificate.
- b. If the department does not receive a certificate holder's renewal fee and complete renewal report on or before the certificate's renewal date, the commissioner:
1. Shall notify the certificate holder in writing that the certificate holder must submit the renewal report and pay the renewal fee not later than the 30th day after the certificate's renewal date.
 2. May require the certificate holder to pay a late fee, in an amount established by Finance Commission of Texas rule and not subject to appeal, for each business day after the certificate's renewal date that the commissioner does not receive the completed renewal report and renewal fee.
- c. On timely receipt of a certificate holder's complete renewal report and renewal fee and any late fee, the department shall review the report and the commissioner may:
1. Renew the certificate of authority.
 2. Refuse to renew the certificate of authority and take other action the commissioner considers appropriate.
- d. The applicant on request is entitled to a hearing to contest the commissioner's refusal to renew the certificate. The request must be filed with the commissioner not later than the 30th day after the date the notice of refusal to renew is mailed. The hearing is a contested case under Chapter 2001, Government Code.
- e. The holder or principal of or the person in control of the holder of an expired certificate of authority, or the holder or principal of or person in control of the holder of a certificate of authority surrendered under Section 712.00395, who wishes to conduct activities for which a certificate of authority is required under this chapter shall file a new application for a certificate of authority and

satisfy all requirements for the certificate that apply at the time the new application is filed.

Transfer or assignment prohibited. Sec. 712.0038.

A certificate of authority issued under this chapter may not be transferred or assigned.

Transfer of business ownership; change of control. Sec. 712.0039.

- a. A certificate holder shall notify the department in writing of a transfer of ownership of the certificate holder's business or a transfer of 25 percent or more of the stock or other ownership or membership interest of the corporation as follows:
1. In the case of a voluntary transfer, not later than the seventh day after the date the contract for transfer is executed.
 2. In the case of an involuntary transfer, not later than one business day after receiving notice of the impending foreclosure or other involuntary transfer.
- b. If the proposed transferee would own more than 50 percent of the stock or other ownership or membership interest of the corporation and is not a certificate holder, the proposed transferee shall file any necessary documents with the secretary of state and an application for a certificate of authority with the department as required by this chapter. If the proposed transferee is required to apply for a certificate of authority under this subsection, the transfer of the perpetual care fund may not occur until after the date a certificate of authority is issued to the transferee applicant.
- c. If the commissioner denies the application, a hearing may be requested and conducted according to the procedures in Section 712.0035(b).

Surrender of certificate of authority; fee. Sec. 712.00395.

- a. A certificate holder may apply to the commissioner for permission to surrender the certificate of authority if the holder:
1. Is a cemetery that qualified for an exemption under Section 711.021(g), but voluntarily elected to become a perpetual care cemetery.
 2. Has performed not more than 10 burials per year during each of the last five years.
 3. Is not larger than 10 acres.
 4. Has a perpetual care fund that is less than \$30,000.
- b. The application for permission to surrender a certificate of authority must be sworn to and be on a form prescribed by the department.
- c. The certificate holder shall publish a notice of intention to surrender a certificate of authority to operate a perpetual care cemetery one time in a newspaper of general circulation in each county in which the cemetery is located. The notice must:
1. Be in the form and include the information required by the banking commissioner.
 2. State that:
 - A. The certificate holder is applying to surrender the holder's certificate of authority to operate a perpetual care cemetery.
 - B. A cemetery plot owner or cemetery plot owner's heir may request a hearing to contest the surrender.
 - C. A request for a hearing must be filed with the department not later than the 14th day after the date the notice is published.
- d. The certificate holder shall submit, not later than the seventh day after the date the notice is published, a publisher's affidavit evidencing publication of the notice.
- e. If a request for hearing is timely filed by a plot owner or plot owner's heir, the commissioner shall hold a hearing in accordance with Chapter 2001, Government Code.
- f. If a request for a hearing is not timely filed by a plot owner or plot owner's heir, the commissioner may approve or deny the application.
- g. If an application is denied, and if a hearing is not held before the denial, the applicant may request a hearing to appeal the denial of the application. The applicant's request for a hearing must be filed

with the commissioner not later than the 30th day after the date the notice of denial is mailed. The hearing is a contested case under Chapter 2001, Government Code.

- h. An order approving the surrender of a certificate of authority must impose four conditions that are not subject to objection. Failure to satisfy any of these conditions constitutes a violation of the commissioner's order, and the certificate holder is subject to an enforcement action under this chapter. The order approving the surrender must:
 - 1. Require the perpetual care fund to remain in an irrevocable trust, with the income to be used for perpetual care of the cemetery in general and for those plots that were purchased before the certificate was surrendered.
 - 2. Require that the cemetery remove any signage or other announcement stating that the cemetery is a perpetual care cemetery.
 - 3. Require each contract and other evidence of ownership entered into after the date of the order to clearly state that the cemetery is not regulated by the Texas Department of Banking and may not use the term "perpetual care cemetery."
 - 4. State the location of cemetery records and require the cemetery to:
 - A. Retain existing records regarding the perpetual care fund for five years after the date of the order.
 - B. Continue to comply with all recordkeeping requirements of Chapter 711.
- i. Not later than the 10th day after the date an order approving the surrender of a certificate of authority is signed, the certificate holder shall deliver the original certificate of authority to the commissioner along with a written notice of surrender that includes the location of the certificate holder's records and the name, address, telephone number, and other contact information for an individual who is authorized to provide access to the records.
- j. The surrender of a certificate of authority does not reduce or eliminate a certificate holder's administrative, civil, or criminal liability arising from any acts or omissions that occur before the surrender of the certificate.

Perpetual care trust fund required. Sec. 712.004.

- a. Before obtaining a corporate charter, the incorporators of a corporation chartered on or after September 3, 1945, and before September 1, 1993, must establish a fund by permanently depositing in cash with the trustee of the fund:
 - 1. \$15,000, if the corporation has capital stock of \$15,000.
 - 2. \$30,000, if the corporation has capital stock of \$30,000.
 - 3. \$50,000, if the corporation has capital stock of \$50,000 or more.
- b. Before obtaining a corporate charter, the incorporators of a corporation chartered on or after September 1, 1993, must establish a fund by permanently depositing in cash with the trustee of the fund an amount of not less than \$50,000 for each perpetual care cemetery operated in this state.
- c. The fund shall be permanently set aside and deposited in trust with the trustee in accordance with Subchapter B.

Cancellation of charter for failure to begin operation of perpetual care cemetery. Sec. 712.005.

- a. If a corporation chartered under Section 712.003 does not begin actual operation of its perpetual care cemetery for six months after the charter is granted and delivered, the commissioner may instruct the secretary of state to cancel the charter and serve notice of the cancellation on the corporation by registered or certified letter, addressed to the corporation's address.
- b. The commissioner may rescind the order of cancellation on:
 - 1. The application of the directors.
 - 2. The payment to the commissioner of a penalty set by the commissioner in an amount not to exceed \$500.
 - 3. The execution and delivery to the commissioner of an agreement to begin actual operation of the perpetual care cemetery not later than one month after the date of the agreement.

- 4. A proper showing by the trustee that the fund is on deposit.
- c. If the corporation does not begin actual operation as agreed, the commissioner by order may set aside the order of rescission and the cancellation is final. The commissioner shall make a full report of the cancellation to the attorney general for liquidation of the corporation, if liquidation is necessary.
- d. If no sale of the dedicated cemetery property of the corporation is made, a certified copy of the order of cancellation authorizes the trustee to refund the fund to the incorporators who signed the corporation's articles of incorporation.

Notice of perpetual care required. Sec. 712.007.

- a. A corporation shall post a sign at or near a cemetery entrance or administration building and readily accessible to the public.
- b. The sign must contain the following:
 - 1. "Perpetual Care Cemetery," or "Endowment Care Cemetery."
 - 2. The names and telephone numbers of two of the corporation's officers or directors.
 - 3. The name of each bank or trust company entrusted with the fund.
- c. A corporation must include the following statement in each sales contract, certificate of ownership, or other instrument of conveyance of the exclusive right of sepulture:

"This cemetery is operated as a perpetual care cemetery, which means that a perpetual care fund for its maintenance has been established in conformity with the laws of the State of Texas. Perpetual care means to maintain, repair, and care for the cemetery, including the roads on cemetery property."
- d. The term "endowment care" may be substituted for the term "perpetual care" in the statement required by Subsection (c).

Rules Sec. 712.008.

- a. The Finance Commission of Texas may adopt rules to enforce and administer this chapter, including rules establishing fees to defray the costs of enforcing and administering this chapter.
- b. The Finance Commission of Texas shall adopt rules establishing reasonable standards for:
 - 1. Timely placement of burial markers or monuments in a perpetual care cemetery.
 - 2. Timely response to consumer complaints made to a corporation that operates a perpetual care cemetery.

Limitations on burials; damages. Sec. 712.009.

- a. The Finance Commission of Texas shall adopt rules to administer and enforce this section.
- b. An individual, corporation, partnership, firm, trust, or association that operates or owns a perpetual care cemetery may not inter the remains of an individual who may have caused the death of another person if:
 - 1. The victim is interred in that cemetery.
 - 2. The person having the right to control the disposition of the victim's remains under Section 711.002(a) gives written notice to the cemetery requesting that the individual not be interred in that cemetery if:
 - A. The individual was convicted under Section 19.02, 19.03, 19.05, or 49.08, Penal Code, for causing the death of the victim, or convicted under a similar statute of another state.
 - B. The individual was identified as causing the death of the victim, in violation of a provision described by Paragraph (A), by the medical examiner or law enforcement agency having jurisdiction over the offense, and the individual dies before being convicted of the offense.
- c. An individual, corporation, partnership, firm, trust, or association that violates Subsection (b) is liable to the person having the right to control the disposition of the victim's remains under Section 711.002(a) for:
 - 1. Any actual damages incurred.
 - 2. Punitive damages not to exceed \$10,000.

3. Reasonable attorney's fees and court costs incurred in an effort to enforce compliance with Subsection (b).
- d. Damages under Subsection (c) may not be assessed if the individual, corporation, partnership, firm, trust, or association that operates the cemetery proves by a preponderance of the evidence that:
 1. The cemetery is the only cemetery serving the municipality or county in which the victim and individual causing the victim's death lived.
 2. The bodies of the victim and individual causing the victim's death were placed as far apart as possible in, or in different parts of, the cemetery.
- e. An individual, corporation, partnership, firm, trust, or association operating or owning a perpetual care cemetery and barred from interring remains of an individual under this section may not be

held liable for damages by a person having the right to control the disposition of the individual's remains under Section 711.002(a), including damages for failure to provide for interment under a contract executed before the delivery of the written notice under Subsection (b)(2).

- f. A notice under Subsection (b)(2) expires seven years after the date the notice is delivered. A new notice may be delivered on the expiration of each previous notice.

Conflict with other law. Sec. 712.020. (Section added 2015)

To the extent of any conflict between this subchapter and Subtitle B, Title 9, Property Code, this subchapter controls.

Subchapter B. Perpetual care trust fund

Establishment and purposes of fund. Sec. 712.021.

- a. A corporation that operates a perpetual care cemetery in this state shall have a fund established with a trust company or a bank with trust powers that is located in this state. The trust company or bank may not have more than one director who is also a director of the corporation.
- b. Except as provided by Section 712.0255, the [The] principal of the fund may not be reduced voluntarily, and it must remain inviolable. The trustee shall maintain the principal of the fund separate from all operating funds of the corporation.
- c. In establishing a fund, the corporation may adopt plans for the general care, maintenance, and embellishment of its perpetual care cemetery.
- d. The fund and the trustee are governed by the Texas Trust Code (Section 111.001 et seq., Property Code).
- e. A corporation that establishes a fund may receive and hold for the fund and as a part of the fund or as an incident to the fund any property contributed to the fund.
- f. The fund and contributions to the fund are for charitable purposes. The perpetual care financed by the fund is:
 1. The discharge of a duty due from the corporation to persons interred and to be interred in its perpetual care cemetery.
 2. For the benefit and protection of the public by preserving and keeping the perpetual care cemetery from becoming a place of disorder, reproach, and desolation in the community in which the perpetual care cemetery is located.
- g. The trustees of two or more perpetual care trust funds may establish a common trust fund in which deposits required by this chapter are made, provided that separate records of principal and income are maintained for each perpetual care cemetery for the benefit of which the common trust fund is established, and further provided that the income attributable to each perpetual care cemetery is used only for the perpetual care of that cemetery.

Operation of perpetual care cemetery. Sec. 712.022.

A corporation authorized by law to operate a perpetual care cemetery but not doing so may do so if the corporation:

1. Complies with the requirements of this chapter for obtaining a certificate of authority.
2. Establishes a fund as provided by Section 712.021 in an amount equal to the larger of:
 - A. The amount that would have been paid into the fund if the cemetery operated as a perpetual care cemetery from the date of the cemetery's first sale of plots.
 - B. The minimum amount provided by Section 712.004.

Validity of contributions. Sec. 712.023.

A contribution to a fund for perpetual care is not invalid because of:

1. Indefiniteness or uncertainty of the person designated as beneficiary in the instrument establishing the fund.
2. A violation of the law against perpetuities or the law against the suspension of the power of alienation of title to or use of property.

Amendment of trust instrument. Sec. 712.024.

A corporation and the trustee of a fund may, by agreement, amend the instrument that established the fund to include any provision that is consistent with this chapter.

Use of fund income. Sec. 712.025.

Fund income may be used only to provide the perpetual care described by the instrument that established the fund, including the general care and maintenance of the property entitled to perpetual care in the perpetual care cemetery.

Judicial modification or termination of fund. Sec. 712.0255. (Added section 2015)

- a. The commissioner may petition a court to modify or terminate a fund under Section 112.054, Property Code. In addition to the grounds described by that section, the commissioner may petition a court under that section if the income from the fund is inadequate to maintain, repair, and care for the perpetual care cemetery and another source for providing additional contributions to the fund is unavailable.
- b. If feasible, the corporation for the perpetual care cemetery and the trustee of the fund are necessary parties to an action described by this section. A court may not modify or terminate the fund without the consent of the commissioner.
- c. At the request or with the consent of the commissioner, the court may order the distribution and transfer of all or a portion of the assets in the fund to a nonprofit corporation, municipality, county, or other appropriate person who is willing to accept, continue to care for, and maintain the perpetual care cemetery. A transfer under this subsection does not limit the court's ability to modify or terminate the fund under an action described by this section.

Suit by plot owners to maintain perpetual care. Sec. 712.026.

- a. If the directors of a corporation do not generally care for and maintain the corporation's perpetual care cemetery, the district court of the county in which the perpetual care cemetery is located may:
 1. By injunction compel the directors to expend the net income of the corporation's fund as required by this chapter.
 2. Appoint a receiver to take charge of the fund and expend the net income of the fund as required by this chapter.
- b. The suit for relief under this section must be brought by at least five owners of plots located in the perpetual care cemetery.
- c. In a suit for relief under this section, court costs and attorney's fees shall be awarded:
 1. To the directors of the corporation, if it is found that the directors are substantially expending the available net income of the fund as required by this subchapter.
 2. To the plot owners initiating the suit, if it is found that the directors are not substantially expending the available net income of the fund as required by this subchapter.

Investment of fund. Sec. 712.027.

- a. A trustee shall invest and manage the investment of the principal of a fund in accordance with the Texas Trust Code (Section 111.001 et seq., Property Code).
- b. An investment must be made at not more than the prevailing market value of the securities at the time of acquisition.

Amount of fund deposits from sales. Sec. 712.028.

- a. A corporation shall deposit in its fund an amount that is at least:
 1. The greater of:
 - A. \$1.75 a square foot of ground area conveyed as perpetual care property.
 - B. 15 percent of the total purchase price of that ground area.
 2. The greater of:
 - A. \$105 for each crypt interment right for mausoleum interment or lawn crypt interment conveyed as perpetual care property, or \$60 for each crypt interment right if that crypt is accessible only through another crypt.
 - B. Seven percent of the total purchase price of that crypt interment right.
 3. The greater of:
 - A. \$35 for each niche interment right for columbarium interment conveyed.
 - B. 15 percent of the total purchase price of that niche interment right.
- b. Subsection (a) does not apply to deposits from sales required to be made by a corporation in its fund before September 1, 1993, under a corresponding statute in effect before that date.
- c. If a plot owner exchanges a plot for another plot in a corporation's perpetual care cemetery, the amount to be deposited in the corporation's fund in respect of the plot received by the plot owner in the exchange may be reduced by the amount deposited in the fund in respect of the plot contributed by the plot owner in the exchange. The amount required to be deposited with respect to an

exchanged plot is the amount required at the time the plot owner originally contracted to purchase the plot.

Accounting for and depositing amounts. Sec. 712.029.

- a. The part of the purchase price of a plot in a perpetual care cemetery that is to be deposited in a fund must be shown separately on the original purchase agreement from the total purchase price. A copy of the agreement shall be delivered to the purchaser of the plot.
- b. On the sale of a plot, a commission may not be paid to a broker or salesman on the amount to be deposited in the fund.
- c. A corporation shall deposit in its fund the amount required under Section 712.028 not later than the 20th day after the end of the month in which the original purchase agreement has been paid in full. A corporation may prepay funds into its fund at any time and, if a surplus exists in the fund from the prepayments, may credit against the surplus the amounts otherwise required to be deposited in the fund under Section 712.028 until the surplus has been depleted. In determining whether a surplus exists from prepayments, no part of the fund resulting from gifts to the fund under Section 712.030 may be considered.

Use of gift for special care of plot in perpetual care cemetery. Sec. 712.030.

A trustee may take and hold property transferred to the trustee in trust in order to apply the principal, proceeds, or income of the property for any purpose consistent with the purpose of a corporation's perpetual care cemetery, including:

1. The improvement or embellishment of any part of the perpetual care cemetery.
2. The erection, renewal, repair, or preservation of a monument, fence, building, or other structure in the perpetual care cemetery.
3. Planting or cultivating plants in or around the perpetual care cemetery.
4. Taking special care of or embellishing a plot, section, or building in the perpetual care cemetery.

Subchapter C. Regulation and enforcement**Annual statement of funds. Sec. 712.041.**

- a. A corporation shall file in its office and with the commissioner a statement for each perpetual care cemetery operated in this state in duplicate that shows:
 1. The principal amount of its fund.
 2. The amount of the fund invested in bonds and other securities.
 3. The amount of cash on hand in the fund.
 4. Any other item that shows the financial condition of the fund.
 5. The number of crypts, niches, and square feet of ground area conveyed under perpetual care before and after March 15, 1934, listed separately.
 6. The number of crypts, niches, and square feet of ground area conveyed under perpetual care after March 15, 1934, for which the minimum deposits required for perpetual care have not been paid to the fund.
- b. The corporation's president and secretary, or two principal officers, shall verify the information on the statement.
- c. The corporation shall revise and post and file the statement on or before March 1 of each year.
- d. A copy of the statement shall be available to the public upon request.

Fees. Sec. 712.042.

On filing a statement of funds under Section 712.041, a corporation shall pay the commissioner a reasonable and necessary fee set by rule adopted by the Finance Commission of Texas under Section 712.008 to defray the cost of administering this chapter.

Additional fund report. Sec. 712.043.

The commissioner may require, as often as the commissioner determines necessary, the trustee of a corporation's fund to make under oath a detailed report of the condition of the fund. The report must include:

1. A detailed description of the assets of the fund.

2. A description of securities held by the fund.
3. If a security held by the fund is a lien, a description of the property against which the lien is taken.
4. Each security's acquisition cost.
5. Each security's market value at the time of acquisition.
6. Each security's current market value.
7. Each security's status with reference to default.
8. A statement that a security is not encumbered by debt.
9. Any other information the commissioner determines is pertinent.

Examination of records; examination fees and expenses. Sec. 712.044.

- a. The commissioner may examine on a periodic basis as the commissioner reasonably considers necessary or appropriate to protect the interest of plot owners and efficiently administer and enforce this chapter:
 1. The books and records of a corporation relating to its fund, including deposits to or withdrawals from the fund, income of the fund, and uses and expenditures of that income.
 2. The books and records of a corporation relating to sales of undeveloped mausoleum spaces and any preconstruction trust established by the corporation as provided by Section 712.063, including deposits to or withdrawals from the preconstruction trust, income of the preconstruction trust, and uses and expenditures of principal and income of the preconstruction trust.
 3. The consumer complaint files of a corporation relating to the fund, sales of undeveloped mausoleum spaces, a preconstruction trust, or to discharge of the corporation's perpetual care responsibilities, minutes of the corporation's board of directors, cemetery dedication statements and plat maps, and mausoleum and lawn crypt construction contracts and specifications.

- b. A corporation that is examined under this section shall make the specified books and records available for examination by the banking department upon reasonable notice to the corporation and shall pay to the commissioner for the examination a reasonable and necessary fee set by rules adopted by the Finance Commission of Texas under Section 712.008 to defray:

1. The cost of examination.
2. The equitable or proportionate cost of maintenance and operation of the department.
3. The cost of administering and enforcing this chapter.

Enforcement. Sec. 712.0441. (amended section (d) 2015)

- a. After notice and opportunity for hearing, the commissioner may impose an administrative penalty on a person who:
1. Violates this chapter or a final order of the commissioner or rule of the Finance Commission of Texas and does not correct the violation before the 31st day after the date the person receives written notice of the violation from the banking department.
 2. Engages in a pattern of violations, as determined by the commissioner.
- b. The amount of the penalty for each violation may not exceed \$1,000 for each day the violation occurs.
- c. In determining the amount of the penalty, the commissioner shall consider the seriousness of the violation, the person's history of violations, and the person's good faith in attempting to comply with this chapter. The imposition of a penalty under this section is subject to judicial review as a contested case under Chapter 2001, Government Code. The commissioner may collect the penalty in the same manner that a money judgment is enforced in district court.
- d. In addition to any penalty that may be imposed under Subsection (a), the commissioner may bring a civil action against a person ~~corporation~~ to enjoin a violation described in Subsection (a) that has not been corrected within 30 days after the receipt by the person ~~corporation~~ of written notice from the commissioner of the violation. Any such civil action may be brought in a ~~the~~ district court of Travis County or a ~~the~~ county in which the ~~corporation's~~ perpetual care cemetery is operated.

Pattern of wilful disregard. Sec. 712.0442.

- a. If, after a hearing conducted as provided by Chapter 2001, Government Code, the trier of fact finds that a violation of this chapter or a rule of the Finance Commission of Texas establishes a pattern of wilful disregard for the requirements of this chapter or rules of the finance commission, the trier of fact may recommend to the commissioner that the maximum administrative penalty permitted under Section 712.0441 be imposed on the person committing the violation or that the commissioner cancel or not renew the corporation's certificate of authority under this chapter if the person holds such a certificate.
- b. For the purposes of this section, violations corrected as provided by Section 712.0441 may be included in determining whether a pattern of wilful disregard for the requirements of this chapter or rules of the finance commission exists.

Cease and desist order. Sec. 712.0443.

- a. The commissioner may issue an order to cease and desist to a person if:
1. The commissioner finds by examination or other credible evidence that the person has violated a law of this state relating to perpetual care cemeteries, including a violation of this chapter, the commissioner's final order, or a Finance Commission of Texas rule.
 2. The violation was not corrected by the 31st day after the date the person receives written notice of the violation from the department.
- b. An order proposed under this section shall be served on the person and must state the grounds for the proposed order with reasonable certainty and the proposed effective date, which may not be less

than the 20th day after the date the order is mailed or delivered. The order becomes effective on the proposed date unless the person requests a hearing not later than the 19th day after the date the order is mailed or delivered. If the person requests a hearing, the hearing shall be conducted in accordance with the procedures for a contested case hearing under Chapter 2001, Government Code.

Emergency order Section 712.0444, (additional Subsections (a-1) and (d) and amending Subsections (b) and (c) to read as follows):

a-1. An emergency order must:

1. State the grounds on which the order is granted.
 2. Advise the person against whom the order is directed that the order takes effect immediately.
 3. To the extent applicable, require the person to:
 - A. Immediately cease and desist from the conduct or violation that is the basis of the order.
 - B. Take the affirmative action stated in the order as necessary to correct a condition resulting from the conduct or violation that is the basis of the order or as otherwise appropriate.
 4. Be delivered by personal delivery or sent by certified mail, return receipt requested, to the person at the person's last known address.
 5. Notify the person against whom the order is directed that the person may request a hearing on the order by filing a written request for a hearing with the commissioner not later than the 18th day after the date the order is delivered or mailed, whichever is earlier.
- b. The emergency order takes effect as soon as the person against whom the order is directed has actual or constructive knowledge of the issuance of the order. An emergency order remains in effect unless stayed by the commissioner.
- c. The person named in the emergency order may request in writing, not later than the 18th day after the date the order is delivered or mailed, whichever is earlier, a hearing to show that the emergency order should be stayed. On receipt of the request, the commissioner shall set a time for the hearing not later than the 21st day after the date the commissioner received the request, unless extended at the request of the person named in the order.
- d. Unless the commissioner receives a written request for a hearing in accordance with Subsection (c), the order is final on the 19th day after the date the order is delivered or mailed, whichever is earlier, and may not be appealed.

Receivership proceedings. Sec. 712.0445.

- a. In conjunction with a proceeding to forfeit the right to do business in this state brought by the attorney general, the attorney general may seek the appointment of a receiver. This remedy is in addition to other grounds for the appointment of a receiver.
- b. If the receiver is a private party, the receiver shall be compensated from the corporation or, if the corporation has no assets available to pay the receiver, from the income only of the perpetual care fund. The receiver may not invade the principal of the fund.
- c. The court may appoint a department employee as receiver. If the receiver is a department employee, the employee may not receive compensation for serving as receiver in addition to the employee's regular salary. The department may receive reimbursement from the corporation for the travel expenses and the fully allocated personnel costs associated with the employee's service as receiver.
- d. A department employee serving as receiver is not personally liable for damages arising from the employee's official act or omission unless the act or omission is corrupt or malicious. The attorney general shall defend an action brought against an employee serving as receiver because of an official act or omission as receiver regardless of whether the employee has terminated service with the department before the action commences.

Criminal penalties. Sec. 712.048.

- a. A person who is an individual, firm, association, corporation, or municipality, or an officer, agent, or employee of an individual, firm, association, corporation, or municipality, commits an offense if the person sells, offers to sell, or advertises for sale an interment right in a plot and, before a fund is established for the cemetery in which the plot is located as provided by this chapter, represents that the plot is under perpetual care. An offense under this subsection is a Class A misdemeanor. This subsection does not prevent an aggrieved party or the attorney general from maintaining a civil action for the recovery of damages caused by an injury resulting from an offense under this subsection.
- b. A person who is an individual, firm, association, corporation, or municipality, or an officer, agent, or employee of an individual, firm, association, corporation, or municipality, commits an offense if the person knowingly defalcates or misappropriates assets of a

fund. An offense under this subsection is punishable as if it were an offense under Section 32.45, Penal Code.

- c. A person commits an offense if the person collects money for the purchase of a memorial, as defined by Section 711.001, and knowingly defalcates or misappropriates the funds. An offense under this subsection is punishable as if it were an offense under Section 32.45, Penal Code. This subsection does not prevent an aggrieved party or the attorney general from maintaining a civil action for the recovery of damages, or the commissioner from maintaining an administrative action for restitution, caused by an injury resulting from an offense under this subsection.

The remaining section of Subchapter D. Sale of Undeveloped Mausoleum Space may be accessed here at <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.712.htm> but we have not included it within this program.

Chapter 713. Local regulation of cemeteries

Municipal cemetery authorized. Sec. 713.001.

The governing body of a municipality may:

1. Purchase, establish, and regulate a cemetery.
2. Enclose and improve a cemetery owned by the municipality.

Local trust for cemetery. Sec. 713.002.

- a. A municipality that owns or operates a cemetery or has control of cemetery property may act as a permanent trustee for the perpetual maintenance of the lots and graves in the cemetery.
- b. To act as a trustee, a majority of the municipality's governing body must adopt an ordinance or resolution stating the municipality's willingness and intention to act as a trustee. When the ordinance or resolution is adopted and the trust is accepted, the trust is perpetual.

Local authority to receive gifts; deposits for care; certificates. Sec. 713.003.

- a. A municipality that is a trustee for the perpetual maintenance of a cemetery may adopt reasonable rules to receive a gift or grant from any source and to determine the amount necessary for permanent maintenance of a grave or burial lot, including a family lot.
- b. A municipality that is a trustee for any person shall accept the amount the municipality requires for permanent maintenance of a grave or burial lot on behalf of that person or a decedent.
- c. The municipality's acceptance of the deposit is a perpetual trust for the designated grave or burial lot.
- d. On acceptance of the deposit, the municipality's secretary, clerk, or mayor shall issue a certificate in the name of the municipality to the trustee or depositor. The certificate must state:
 1. The depositor's name.
 2. The amount and purpose of the deposit.
 3. The location, as specifically as possible, of the grave, lot, or burial place to be maintained.
 4. Other information required by the municipality.
- e. An individual, association, foundation, or corporation that is interested in the maintenance of a neglected cemetery in a municipality's possession and control may donate funds to the perpetual trust fund to beautify and maintain the entire cemetery or burial grounds generally.

Use of funds. Sec. 713.004.

- a. A municipality may invest and reinvest deposits under this subchapter in interest-bearing bonds or governmental securities.
- b. The principal of the funds must be kept intact as a principal trust fund, and the fund's trustee may not use those funds.
- c. The income or revenue of the fund must be used for the maintenance and care in a first-class condition of the grave, lot, or

burial place for which the funds are donated. Income or revenue that is more than the amount necessary to faithfully accomplish the trust may be used, in the discretion of the trustee, to beautify the entire cemetery or burial grounds generally.

Deposit records. Sec. 713.005.

- a. A municipality that acts as a trustee under this subchapter shall maintain a permanent, well-bound record book including, for each deposit made:
 1. The name of the depositor, listed in alphabetical order.
 2. The purpose and amount of the deposit.
 3. The name and location, as specifically as possible, of the grave, lot, or burial place to be maintained.
 4. The condition and status of the trust imposed.
 5. Other information required by the municipality.
- b. A certificate holder under this subchapter may, on payment of the proper cost or recording fee, record the certificate in the deed records of the county in which the cemetery is located. The county clerk shall file, index, and record the certificate in the deed records of that county.

Tax. Sec. 713.006.

- a. A municipality acting as a trustee for a cemetery may include in the municipality's annual budget an amount considered necessary for cemetery maintenance.
- b. The municipality may impose a tax on all property in the municipality in an amount not exceeding five cents for each \$100 valuation of the property for maintenance of the cemetery, regardless of whether the cemetery is located inside or outside the municipal limits.

Maintenance of municipal cemeteries. Sec. 713.011.

- a. A municipality that operates or has jurisdiction over a public cemetery shall maintain the cemetery in a condition that does not endanger the public health, safety, comfort, or welfare.
- b. A municipality's responsibility to maintain a cemetery under this section includes:
 1. Repairing and maintaining any fences, walls, buildings, roads, or other improvements.
 2. Leveling or straightening markers or memorials.
 3. Properly maintaining lawns, shrubbery, and other plants.
 4. Removing debris, including dead flowers and deteriorated plastic ornaments.
 5. Promptly restoring gravesites following an interment.

Subchapter B. County regulation of cemeteries

County trust for cemetery. Sec. 713.021.

A commissioners court by resolution may establish a perpetual trust fund to provide maintenance for a neglected or unkept public or private cemetery in the county. The commissioners court shall appoint the county judge as trustee for the fund.

Gifts for maintenance of cemetery. Sec. 713.022.

- a. A trustee for a county perpetual trust fund may adopt reasonable rules to receive a gift or grant from any source and to determine the amount necessary for permanent maintenance of the cemetery.
- b. A person who is interested in the maintenance of a neglected or unkept public or private cemetery in the county may make a gift to the trust fund for maintenance of the cemetery.
- c. The trustee's acceptance of the gift is a perpetual trust for the maintenance of the cemetery.
- d. On acceptance of the gift, the trustee shall instruct the county treasurer to issue a certificate to the donor. The certificate must state:
 1. The amount and purpose of the gift.
 2. Other information determined necessary by the trustee.

Use of funds. Sec. 713.023.

- a. The trustee may invest the fund in interest-bearing bonds or federal, state, or local government securities.
- b. The principal of the fund must be kept intact as a permanent principal trust fund.
- c. The income or revenue of the fund may be used only for maintenance of a neglected or unkept public or private cemetery in the county.

Private care of graves. Sec. 713.025.

This subchapter does not affect the right of a person to maintain a grave or burial lot in a cemetery if the person:

1. Has an interest in the grave or burial lot.
2. Is related within the fifth degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to, or is a direct descendant of, a decedent interred in a cemetery maintained by a trustee under this subchapter.

County care of cemetery older than 50 years. Sec. 713.028.

- a. For purposes of historical preservation or public health, safety, or welfare, a commissioners court may use public funds, county employees, county inmate labor as provided by Article 43.10, Code of Criminal Procedure, and county equipment to maintain a cemetery that has a grave marker more than 50 years old.
- b. This section does not apply to a perpetual care cemetery or a cemetery maintained by a religious or fraternal organization.
- c. The discretion of the commissioners' court, a county may permit the use of public funds, county employees, county inmate labor as provided by Article 43.10, Code of Criminal Procedure, and county equipment to open and close graves in a cemetery described by Subsection (a).

County authority to purchase burial grounds for veterans. Sec. 713.029.

- a. A commissioners court may purchase burial grounds to be used exclusively for the burial of honorably discharged persons who:
 1. Have served in the United States armed forces during a war in which the United States participated.
 2. Die without leaving sufficient means to pay funeral expenses.
- b. A commissioners court may not purchase burial grounds under this section if there is a national military cemetery or other military plot in the county in which honorably discharged veterans of the United States armed forces may be buried free of charge.

Chapter 714. Miscellaneous provisions relating to cemeteries

Depth of graves; criminal penalty. Sec. 714.001.

- a. The body of a decedent may not be buried in a manner so that the outside top surface of the container of the body is:
 1. Less than two feet below the surface of the ground if the container is not made of an impermeable material.
 2. Less than 1-1/2 feet below the surface of the ground if the container is made of an impermeable material.
- b. The governing body of a political subdivision of this state may, because of subsurface soil conditions or other relevant considerations, permit, by ordinance or rule, burials in that political subdivision at a shallower depth than that required by Subsection (a).
- c. This section does not apply to burials in a sealed surface reinforced concrete burial vault.
- d. A person commits an offense if the person buries the body of a decedent in violation of this section or in violation of an ordinance or rule adopted under this section.
- e. An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$200.

Limitation on location of feed or slaughter pens near cemetery. Sec. 714.002.

- a. The maintenance or location of a feed pen for hogs, cattle, or horses, a slaughter pen, or a slaughterhouse 500 feet or nearer to an established cemetery in a county with a population of at least 525,000 is a nuisance.
- b. The cemetery owner or a lot owner may bring suit to abate the nuisance and to prohibit its continuance. If a nuisance under this section exists or is threatened, the court shall grant a permanent injunction against the person responsible for the nuisance.

Abandoned plots in private cemeteries. Sec. 714.003.

- a. The ownership or right of sepulture in an unoccupied plot for which adequate perpetual care has not been provided in a private cemetery

- operated by a nonprofit organization reverts to the cemetery on a finding by a court that the plot is abandoned. A cemetery may convey title to any plot that has reverted to the cemetery.
- b. Plot is presumed to be abandoned if for 10 consecutive years an owner or an owner's successor in interest does not:
 1. Maintain the plot in a condition consistent with other plots in the cemetery.
 2. Pay any assessments for maintenance charged by the cemetery.
- c. An owner or an owner's successors in interest may rebut the presumption of abandonment by:
 1. Delivering to the governing body or by filing with the court written notice claiming ownership of or right of sepulture in the plot.
 2. Paying the cemetery for any past due maintenance charges on the plot plus interest at the maximum legal rate.
- d. A notice for rebuttal of a presumption must be given by delivery in person or by prepaid United States mail, properly addressed. If the notice is mailed, delivery is effective on the date the envelope containing the notice is postmarked.
- e. The governing body may petition a court of competent jurisdiction for an order declaring that a plot is abandoned if, not later than the 91st day and not earlier than the 120th day before the date the petition is filed, the governing body gives written notice of its claim of the plot to the owner or, if the owner is deceased or his address is unknown, to the owner's known successors in interest. The notice must be delivered in person or by prepaid United States mail, sent to the last known address of the owner or the owner's successors in interest.
- f. If after reasonable effort the governing body cannot locate or ascertain the identity of an owner or an owner's successors in interest, the governing body must give the notice required by this section by publishing it once each week for four consecutive

weeks in a newspaper of general circulation in the county in which the cemetery is located.

- g. After deducting reasonable expenses related to the reacquisition and sale of an abandoned plot, including restoration, expenses of the sale, court costs and legal fees, a cemetery shall deposit the balance of the funds from the sale of the plot into an account to be used for the care of the cemetery.
- h. This section prevails over Sections 711.035, 711.036, 711.038, 711.039, and 711.040 to the extent of any conflict.
- i. In this section:
 - 1. "Governing body" means the person in a nonprofit organization responsible for conducting a cemetery business.
 - 2. "Nonprofit organization" means an organization described by Section 501(c)(13), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(13)).
 - 3. "Plot" means a grave space in a cemetery that has not been used to inter human remains.
 - 4. "Private cemetery" means a cemetery that is not owned or operated by the United States, this state, or a political

subdivision of this state, but is owned and operated by a nonprofit organization.

Removal of remains from abandoned cemetery in county of at least 525,000. Sec. 714.004.

- a. If an abandoned and neglected cemetery in a county with a population of at least 525,000 for which no perpetual care and endowment fund has been regularly and legally established is abated as a nuisance, the court abating the nuisance and enjoining its continuance or the governing body of the municipality in which the cemetery is located may authorize the removal of all bodies, monuments, tombs, and other similar items from the cemetery to a perpetual care cemetery as defined by Section 711.001.
- b. If there is no perpetual care cemetery in the county that under its rules permits the interment of the bodies of the persons that are to be removed, the bodies, monuments, tombs, and other similar items may be removed to a Nonperpetual care cemetery that has provided for assessments for the cemetery's future care.

Chapter 715. Certain historic cemeteries

Definitions. Sec. 715.001.

- 1. "Burial park," "cemetery purposes," "crematory," "mausoleum," and "plot" have the meanings assigned by Section 711.001.
- 2. "Cemetery" means a place that is used for interment, including a graveyard, burial park, or a mausoleum located on the grounds of a graveyard or burial park.
- 3. "Nonprofit corporation" means a corporation not for profit subject to the provisions of the Texas Non-Profit Corporation Act (Article 1396-1.01, et seq., Vernon's Texas Civil Statutes).

Petition of nonprofit corporation. Sec. 715.002.

A nonprofit corporation organized under this chapter to restore, operate, and maintain a historic cemetery may petition the district court of the county in which the cemetery is located to authorize the nonprofit corporation to restore, operate, and maintain the cemetery.

Parties to action. Sec. 715.003.

An action commenced under this chapter shall be brought by the incorporators of the nonprofit corporation on behalf of the nonprofit corporation. The necessary parties to the action on which citation shall be served under Section 715.006 are:

- 1. The record owners of the real property comprising the historic cemetery.
- 2. The owners of plots in the cemetery, who may be designated as a class in the petition.
- 3. The Texas Historical Commission.
- 4. The Texas Funeral Service Commission.

Contents of petition. Sec. 715.004.

- a. A petition filed by a nonprofit corporation under this chapter must contain a legal description of the real property comprising the historic cemetery and must aver to the court that:
 - 1. The nonprofit corporation, through its members and incorporators, has a religious, ethnic, historic, or cultural relationship to the cemetery.
 - 2. The cemetery was established more than 75 years before the date the action was commenced.
 - 3. A viable organization of plot owners of the cemetery does not exist.
 - 4. The cemetery threatens or endangers the public health, safety, comfort, or welfare.
- b. The petition must be accompanied by the written plan described by Section 715.005.

Written plan. Sec. 715.005.

- a. The written plan accompanying the nonprofit corporation's petition must include:

- 1. A description of the actions to be taken by the nonprofit corporation to restore, operate, and maintain the historic cemetery, which must include:
 - A. Repair of any fence.
 - B. Straightening, leveling, and resetting of memorials or embellishments in the cemetery that are a threat or danger to the public health, safety, comfort, or welfare.
 - C. Taking proper steps to restore and continuously operate and maintain the cemetery in an orderly and decent fashion that does not endanger the public health, safety, comfort, or welfare.
 - D. Restoration of damaged memorials.
 - E. Restoration and maintenance of cemetery elements as defined by Section 711.001.
- 2. The anticipated costs of the actions described under Subdivision (1).
- 3. The time that the actions described by Subdivision (1) will be commenced and the time that it is anticipated the actions will be completed.
- 4. A description of the actions to be taken by the nonprofit corporation for the proper conduct of its business and for the protection of the cemetery and the principles, plans, and ideals on which the cemetery was established.
- 5. The percentage of the total purchase price of each plot in the cemetery sold and conveyed by the nonprofit corporation to be deposited in the trust fund established under Section 715.011, which must be at least 10 percent of the total purchase price of the plot.
- 6. A description of the records to be maintained by the nonprofit corporation, including records regarding:
 - A. The sale of plots in the cemetery.
 - B. The interments in the cemetery.
 - C. The total purchase price received from the sale of each plot in the cemetery.
 - D. The percentage of the total purchase price of each plot in the cemetery deposited in the trust fund established under Section 715.011.
 - E. The income received by the nonprofit corporation from the trust fund established under Section 715.011 and the manner in which the income is used by the nonprofit corporation for the maintenance and care of the cemetery.
- b. After the written plan is filed, the court may require that the nonprofit corporation modify the plan to include other matters specified by the court.

Service of citation. Sec. 715.006.

- a. Before the 31st day after the date an action is commenced by a nonprofit corporation under this chapter, the nonprofit corporation shall cause citation to be issued and served by certified mail, return receipt requested, on:
 1. The record owners of the real property comprising the cemetery at their last known addresses.
 2. The owners of plots in the cemetery at their last known addresses.
 3. The Texas Historical Commission at its office in Austin, Texas.
 4. The Texas Funeral Service Commission.
 5. The county auditor of the county in which the cemetery is located.
- b. The citation must be accompanied by a copy of the petition.
- c. If the address or identity of a plot owner is not known and cannot be ascertained with reasonable diligence, service by publication shall be made on the plot owner by publishing notice at least three times in a newspaper of general circulation in the county in which the cemetery is located. If there is not a newspaper of general circulation in the county in which the cemetery is located, the notice may be published in a newspaper of general circulation in an adjoining county.

Hearing. Sec. 715.007.

- a. Not later than the 90th day after the date the petition is filed, the court shall hold a hearing on the petition.
- b. Notice of the hearing shall be given by the nonprofit corporation to the parties listed in Section 715.003 not later than the 30th day before the date of the hearing.
- c. The notice shall be given in the manner prescribed by Section 715.006 for service of citation.
- d. At the hearing, each of the parties listed in Section 715.003 shall be given an opportunity to be heard by the court and to answer the petition of the nonprofit corporation.

Court order. Sec. 715.008.

- a. The court shall issue an order authorizing the nonprofit corporation to restore, operate, and maintain the cemetery if the court finds that:
 1. The facts stated in the petition filed by a nonprofit corporation under this chapter are true and correct.
 2. The written plan accompanying the petition demonstrates the nonprofit corporation's ability to restore, operate, and maintain the historic cemetery in accordance with this chapter.
 3. Authorizing the nonprofit corporation to restore, operate, and maintain the cemetery is in the best interest of the public.
- b. The written plan must be incorporated in the court's order.
- c. The court's order is binding on all parties to the action.
- d. The court retains continuing jurisdiction to monitor and review compliance with the court's order.

Nonprofit corporation. Sec. 715.009.

- a. The members of a nonprofit corporation authorized to restore, operate, and maintain a historic cemetery are the plot and property owners of the cemetery.
- b. Each plot owner may exercise the rights and privileges of a member of the nonprofit corporation without regard to whether the plot owner acquired the plot before or after the nonprofit corporation was organized.

Organizational meeting. Sec. 715.010.

- a. A nonprofit corporation authorized to restore, operate, and maintain a historic cemetery shall, not later than the 10th day after the date of the order of the court under Section 715.008:
 1. Publish notice of the time and place of the organizational meeting of the members of the nonprofit corporation in a newspaper having general circulation in the county in which the cemetery is located or, if there is no newspaper of general circulation in the county in which the cemetery is located, in a newspaper of general circulation in an adjoining county.
 2. Post written notice of the time and place of the meeting at the cemetery.

- b. The notice published under Subsection (a)(1) must be published not later than the 30th day before the date of the meeting and repeated twice before the date of the meeting. The notice may not be published more than once a week.
- c. The written notice posted under Subsection (a)(2) must be posted not later than the 30th day before the date of the hearing and must remain posted until the date of the hearing.
- d. At the organizational meeting of the members of a nonprofit corporation authorized to restore, operate, and maintain a historic cemetery, a majority of the members present and voting at the meeting shall elect a board of directors of the nonprofit corporation. Directors and officers are not required to be members of the nonprofit corporation.

Powers and duties of nonprofit corporation; trust fund. Sec. 715.011.

- a. A nonprofit corporation authorized to restore, operate, and maintain a historic cemetery may divide cemetery property into lots and subdivisions for cemetery purposes and charge reasonable assessments on the property for the purposes of general improvement and maintenance of the cemetery.
- b. The nonprofit corporation may sell and convey the exclusive right of sepulture in any unsold plot in the cemetery if, before the sale and conveyance of any right of sepulture, the nonprofit corporation establishes a trust fund to provide for the perpetual maintenance of the cemetery.
- c. The county auditor of the county in which the cemetery is located shall act as the trustee of the trust fund.
- d. The nonprofit corporation shall deposit in the trust fund the amount required under the written plan incorporated in the court's order not later than the 20th day after the last day of the month in which the total purchase price of a plot has been paid in full.
- e. The nonprofit corporation shall file a monthly statement with the county auditor, signed by the president and secretary of the nonprofit corporation, that verifies that all funds required to be deposited in the trust fund during the preceding month have been deposited in the trust fund and that any income disbursed from the trust fund during the preceding month was used by the nonprofit corporation for the maintenance and care of the cemetery.
- f. The principal of a trust fund established under this section may not be reduced voluntarily, and it must remain inviolable.
- g. The trust fund and the trustee are governed by Title 9, Property Code.
- h. The trustee may receive and hold as part of the trust fund any property contributed as a gift or grant to the trust fund for the perpetual maintenance of the historic cemetery.
- i. The income of the trust fund may be applied in the manner the directors of the nonprofit corporation determine to be for the best interest of the cemetery and may be used only for the maintenance and care of the cemetery.
- j. A district court of the county in which the historic cemetery is located shall appoint a suitable successor trustee of a trust fund established under this section if the county auditor resigns the position of trustee of the trust fund or fails to act as its trustee.
- k. The county auditor or other person who acts as the trustee of a trust fund established under this section is not civilly or criminally liable for acts performed in the good faith administration of the trust fund.

Crematory prohibited. Sec. 715.012.

A nonprofit corporation authorized to restore, operate, and maintain a cemetery under this chapter may not construct, establish, or maintain a crematory.

Adjacent or contiguous cemetery. Sec. 715.013.

A nonprofit corporation authorized to restore, operate, and maintain a historic cemetery may not acquire land for cemetery purposes that is adjacent or contiguous to the cemetery unless the adjacent or contiguous land is operated as a perpetual care cemetery under Chapter 712. The nonprofit corporation may not petition the district court of the county in which the cemetery is located to remove the dedication with respect to all or any portion of the cemetery.

Cemetery open to public. Sec. 715.014.

A historic cemetery restored, operated, and maintained by a nonprofit corporation under this chapter must remain open to the public.

Exemption. Sec. 715.015.

This chapter does not apply to:

1. A perpetual care cemetery.
2. A family cemetery.

TITLE 25 HEALTH SERVICES

PART I: DEPARTMENT OF STATE HEALTH SERVICES

Chapter 181. Vital statistics

Subchapter A. Miscellaneous provisions

Rule §181.1 Definitions

To find the following definitions of words and terms, when used in this chapter, please visit [http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=181](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=181). For purposes of this section, we have only included the applicable rules to the funeral death industry. There were no changes in this subchapter A of miscellaneous provisions for 2015. Most all amendments or additional language was enacted in 2013.

Rule §181.2 Assuming custody of body.

- a. The funeral director, or person acting as such, who assumes custody of a dead body or fetus shall obtain an electronically filed report of death through a Vital Statistics Unit system or complete a report of death before transporting the body. The report of death shall within 24 hours be mailed or otherwise transmitted to the Local Registrar of the district in which the death occurred or in which the body was found. A copy of the completed or electronically filed report of death as prescribed by the Vital Statistics Unit shall serve as authority to transport or bury the body or fetus within this state.
- b. If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, the funeral director, or person acting as such, shall obtain a burial-transit permit from the Local Registrar where the death certificate is or will be filed, or from the State Registrar electronically through a Vital Statistics Unit electronic death registration system. The registrar shall not issue a burial-transit permit until a certificate of death, completed in so far as possible, has been presented (See §181.6 of this title (relating to Disinterment)).
- c. The funeral director, or person acting as such, shall furnish the sexton or other person in charge of a cemetery with the information required.

Rule §181.4 Preservation of bodies.

No human body may be held in any place or be in transit more than 24 hours after death and pending final disposition unless either maintained at a temperature within the range of 34 degrees - 40 degrees Fahrenheit, or is embalmed by a licensed embalmer in a manner approved by the Texas Funeral Service Commission, or by an embalmer licensed to practice in the state where death occurred or is encased in a container which insures against seepage of fluid and the escape of offensive odors.

Rule §181.5 Embalming and standards of the funeral industry.

The department adopts by reference the rules of the Texas Funeral Service Commission in 22 TAC §203.16, covering minimum standards for embalming.

- d. The rules adopted by reference in subsection (a) of this section shall not require or infer a requirement for the embalming of a dead body prior to burial or cremation.

Rule §181.6 Disinterment.

- a. Except as is authorized for a justice of the peace acting as coroner or medical examiner under the Code of Criminal Procedure, Chapter 49, remains may not be removed from a cemetery except on written order of the State Registrar or the State Registrar's designee.

- b. The licensed funeral director or professional archeologist to whom the disinterment permit is issued shall be responsible for the proper conduct of the disinterment and removal.
- c. The State Registrar shall issue a disinterment permit so as to provide a copy for the State Registrar, a copy retained by the funeral director or professional archeologist to whom issued, a copy filed with the sexton or person in charge of the cemetery in which the disinterment is to be made, and a copy for the Local Registrar of the district in which the death occurred. The State Registrar and the Local Registrar shall file the disinterment permit as an amendment to the death certificate and consider it part of the death certificate. The State Registrar and the Local Registrar shall include a copy of the disinterment permit with any future certified copies of the death certificate that are issued.
- d. A disinterment permit shall not be required if a body is to be disinterred and reinterred in the same cemetery.
- e. A disinterment permit shall not be required to remove cremains.
- f. Cremation is considered to be a final disposition of remains.
- g. A disinterred body must be transported in a container which insures against the seepage of fluid or the escape of offensive odors. When shipped by common carrier, a disinterred body must be enclosed in an airtight metal casket encased in a strong outside shipping case, or in a sound casket encased in an airtight metal or metal-lined shipping case. This requirement shall not apply if the disinterred remains involve no soft parts.
- h. The disinterment permit issued by the State Registrar shall serve as the authority to disinter, transport by means other than a common carrier, and re-inter a body within this state. (See §181.2 of this title (relating to Assuming Custody of Body).)
- i. A body kept in a receiving vault shall not be regarded as a disinterred body until after the expiration of 30 days.
- j. All disinterred remains kept in receiving vaults shall be thoroughly embalmed in a manner approved by the Texas Funeral Service Commission and shall be enclosed in a permanently sealed casket.
- k. The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent of the cemetery, the owner of the plot, and the decedent's next-of-kin.
- l. The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent order from the county judge to disinter a body from a grave when the cemetery, plot owner, and the decedent's next-of-kin are unknown.

Rule §181.7 Fetal death (stillbirth).

- a. A certificate of fetal death shall be filed for any fetus weighing 350 grams or more, or if the weight is unknown, a fetus aged 20 weeks or more as calculated from the start date of the last normal menstrual period to the date of delivery.
- b. A certificate of fetal death shall be considered properly filed:
 1. When all of the items thereon have been satisfactorily and definitely answered.
 2. When the certificate has been presented for filing to the local registrar of the registration district in which the fetal death (stillbirth) occurred or the fetus was found. A certificate of fetal death (stillbirth) shall be filed with the local registrar within five days after the date of fetal death (stillbirth).

Rule §181.14 Death and fetal death certificate form and content.

- a. The State Registrar shall determine the items of information to be contained on certificates of death and fetal death. The format of the items will be designated in forms entitled "Certificate of Death" and "Certificate of Fetal Death."

- b. Funeral directors or other persons in charge of disposition or in charge of removal of a body from a registration district for disposition may prepare and file the Certificate of Death and the Certificate of Fetal Death.

REFERENCES

- Texas Funeral Service Commission (2015). TFSC governing laws. Retrieved November 22, 2015 from website <http://www.tfsc.state.tx.us/Laws>

- Texas Funeral Service Commission (2015). 1st quarter newsletter, September 2015-November 2015. Retrieved November 19, 2015 from website <http://www.tfsc.state.tx.us/news>

TEXAS VITAL STATISTICS

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

11. When filing a death certificate, no later than the 10th day after the date of a death that occurs in this state, a death certificate shall be filed with the local registrar of the registration district in which the death occurs or the body is found.
- ☐ True ☐ False
12. Under definitions of Chapter 711, General Provisions Relating to Cemeteries, (5-a) defines "*cremains receptacle*" as a marker, boulder, bench, pedestal, pillar, or other aboveground vessel that contains niches for cremated remains.
- ☐ True ☐ False
13. Regarding the disposition of remains, the newly added subsection of 711.002, (a) (a-3) states that when an executor or administrator exercises the right to control the disposition of remains, the decedent's estate is NOT liable for the reasonable cost of interment and the executor or administrator is not individually liable for the cost.
- ☐ True ☐ False
14. Regarding disposition of remains, any dispute among any of the persons listed in Subsection (a) concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court of competent jurisdiction.
- ☐ True ☐ False
15. Regarding Perpetual Care Cemeteries, a new section was added Sec. 712.0255, *Judicial Modification or Termination of Fund*, stating the commissioner may petition a court to modify or terminate a fund but a court may not modify or terminate the fund without the consent of the Governor.
- ☐ True ☐ False
16. Regarding *cease and desist orders*, (sec. 712.0443) states that the commissioner may issue an order to a person if found by evidence that they violated a law of the state relating to perpetual care cemeteries and if the violation was not corrected by the 45th day after the date the person receives written notice of the violation from the department.
- ☐ True ☐ False
17. An *emergency order* to cease and desist (section 712.0444), takes effect as soon as the person against whom the order is directed has actual or constructive knowledge of the issuance of the order. An emergency order remains in effect unless stayed by the commissioner.
- ☐ True ☐ False
18. According to RULE §181.2 *Assuming Custody of Body*, the funeral director, or person acting as such, who assumes custody of a dead body or fetus shall obtain an electronically filed report of death through a Vital Statistics Unit system or complete a report of death before transporting the body.
- ☐ True ☐ False
19. Rule §181.4 *Preservation of Bodies* states that no human body may be held in any place or be in transit more than 48 hours after death and pending final disposition unless either maintained at a temperature within the range of 34 degrees - 40 degrees Fahrenheit, or is embalmed by a licensed embalmer.
- ☐ True ☐ False
20. According to Rule §181.2, a certificate of *fetal death* shall be filed for any fetus weighing 350 grams or more, or if the weight is unknown, a fetus aged 20 weeks or more as calculated from the start date of the last normal menstrual period to the date of delivery.
- ☐ True ☐ False



Chapter 3: Professional Ethics

2 CE Hours

By: Elite Staff

Learning objectives

- Discuss your ethical responsibility to the profession.
- Explain your duties and responsibilities to the families you serve.
- Explain the importance and need for confidentiality.
- List a number of funeral-related organizations that teach their own code of ethics.
- Describe your oversight responsibilities in dealing with third-party contractors or other service professional.

Introduction

Professional ethics is a vast field of study, with categories and subcategories relating to every conceivable topic and issue. Many medical and health-related disciplines establish their own ethical codes and standards of conduct, which encapsulate the compiled wisdom of countless individuals and years of professional experience. Their study offers practitioners the opportunity to learn from their predecessors' mistakes instead of their own.

Unlike personal ethics, which are flexible and open to debate, professional ethical codes are formally defined, mandatory standards of conduct established by and for members of professional associations to ensure quality and integrity in the profession.

Professionalism is a combination of individual responsibility—personal responsibility on the part of each member of the professional community—combined with the collective responsibility of a formal group or association of practitioners.

Ethics refers to principles of right or good conduct. Professional ethics in funeral services means the application of guiding principles of right conduct to the study, practice, and business of funeral service.

This chapter addresses a range of issues of concern to the professional funeral director and staff, and introduces a number of concepts

important to its ethical practice. Successful completion of the course will equip you with the basic concepts and rationale for ethical decision-making in your practice, to help to navigate unknown ethical territory, identify questionable behavior, and develop a sense for “red flags” of potential conflict, as well as take steps to resolve these issues. Equally important, it will help you know when to seek professional guidance with a supervisor or mentor in the industry, or turn to other appropriate resources for professional assistance.

Because virtually all state licensing authorities, certifying/accrediting agencies, and professional associations establish their own standards of conduct and ethical guidelines for their members, you will need to refer directly to the organizations and academic or training institutions with which you are affiliated, as well as state, local, and national associations, to review the ethical guidelines that apply specifically to you and your practice. You may also want to refer to literature or websites of prominent professional organizations like the Funeral Ethics Association (FEA: www.fea.org); the National Funeral Directors Association (NFDA: www.nfda.org); or the International Cemetery and Funeral Association (ICFA: www.icfa.org). The Funeral Ethics Association, for example, was established to “provide the public and the profession with a balanced forum for resolving misunderstandings and to elevate the importance of ethical practices in all matters related to funeral service.”¹

Professional obligations and responsibilities

Every decision you make that affects another individual has an ethical or moral dimension to it.

Ethical standards are written into our laws, but ethics goes beyond what is strictly legal. Laws are associated with minimum requirements,

while ethical standards appeal to an even higher level of responsibility, regarding the right thing to do. Although funeral practitioners, colleagues, and family members are equally capable of showing poor judgment or acting irrationally, licensed practitioners are bound by their professional affiliation to act responsibly, even when others do not.

The family

Your first responsibility is to the wishes of the bereaved's family. Family members should be provided counsel and treated in a caring and ethical manner. The family should be provided a copy of the funeral home's general price list (GPL), and many find a copy of the Federal Trade Commission's consumer guide to services and products useful (<http://www.ftc.gov>). The FTC guide includes a contact number for consumer grievances [the Federal Citizen Information Center (FCIC) at: <http://www.pueblo.gsa.gov>].

For the complete text, please refer to: <http://www.ftc.gov>, or http://www.pueblo.gsa.gov/cic_text/misc/funeral/funeral.htm

It is generally a good idea to assume that family members know little about your business. Providing basic instructions and answers to common questions in a brief information sheet can be very effective in putting a family at ease, especially those who are new to the experience and unfamiliar with your organization, personnel, and way of conducting business.

Family members should be given some time to review this information before any discussion regarding services, products, or prices takes

place. The funeral director should encourage appropriate spending; meaning the family should not be persuaded to purchase services or products beyond their financial means. It is often useful to designate a budget, then guide the family to purchase within that budget. Never sell beyond what a family needs.

The funeral director should take the time to explain costs and products associated with the funeral service, including any “hidden” or additional costs, including cemetery charges, floral arrangements, the obituary listing or announcements or costs that will be incurred, even if they are not directly associated with the funeral home or funeral home’s services. If these associated costs are discounted or charged by arrangement with the funeral home, the director is legally and ethically responsible to inform the family regarding these details.

Once the family selects the necessary products and services, the family should receive, review, and sign a Statement of Goods and Services, which shows that total cost of all items and services purchased, including the amounts the funeral home has paid on behalf of the family. The family should sign to confirm the price of services and merchandise selected, and associated fee, the price of desired supplemental items of service and products, and the amount advanced by the funeral director/home on behalf of the family.

The deceased

It is unethical and, in some cases, illegal for the funeral director to permit any unauthorized individuals to witness the process in which the body is embalmed and otherwise prepared. Only the funeral director and staff members should be in attendance during preparation of the body. The body of the deceased should remain covered at all times, and care should be taken to cover the deceased’s genitals during the embalming.

The clergy

Funeral services located in a church or other religious institution should abide by the rules and regulations of the institution. The funeral director is usually responsible for communicating any special requests that the deceased or family members expect to be accommodated on the day of the funeral service. The funeral director should also schedule a meeting between the family and the clergy member prior to the date the service is performed.

Professional colleagues

High ethical standards means that the funeral director is not only responsible for his/her own actions, but also those of the immediate and extended staff. This means that you should only put your trust in people who are also beyond reproach, ensuring that they will feel the same responsibility to family members, clergy, and business concerns that you do. Do not assume business is being handled appropriately; investigate, and ensure that adequate policies and procedures are in place to uphold your ethical standards. You have a role in protecting the public from fraud, misuse of funds, or misconduct.

Funeral directors, embalmers, and direct disposition professionals should be properly trained in their responsibilities and appropriately compensated for the work they do. Employees and employers should enjoy a relationship of mutual respect and consideration, with employees provided positions with room for advancement and increasing income with ever greater responsibilities.

The funeral director should also inform family members at this time, that they may be entitled to benefits from one or more of the following institutions: the Social Security Administration, Department of Veterans Affairs (if the deceased was a veteran, he or she may be entitled to a headstone or monetary reimbursement), armed forces, labor unions, and fraternal organizations, among others. Because these benefits may or may not apply, the funeral director and staff should not imply that these benefits are guaranteed, simply that they may be available. The funeral director should facilitate the filing process by helping the family members fill out and deliver these forms to the appropriate authorities. If further assistance is required, the funeral director should be able to refer the family to professional assistance.

Families choosing cremation should be treated with the same dignity and respect as those who choose burial. The funeral director should be sure to review the details and options available to the family, as few family members are typically aware of their choices related to cremation. Beyond the responsibility for ensuring that the cremation takes place in the proper time frame, the funeral director and staff should always provide the family appropriate time and privacy to say goodbye to the deceased, as well as view the body to confirm its identity. It is customary that a funeral home charge for this service. If family members wish to observe the cremation, the funeral director should make arrangements for them to do so.

Everyone who has contact with the deceased should treat the body with great respect, using the same care and compassion that you would toward a member of your own family, with the same dignity as a cherished relative or friend. Authorized family members or close friends may be permitted to view the body, at the discretion of the family.

In cases where a stipend or honorarium is paid to the clergyman or the religious institution, it is commonly paid by check (for record-keeping purposes) through the funeral director. In cases where the family chooses not to or cannot afford to pay this stipend, this information should also be communicated to the clergy member before the service. It is a good idea to always confirm that the clergy accepts such payment, as some members of the clergy do not accept honoraria or accept it in some other form, such as payment to a building fund, for example.

In the case of apprenticeship and training for positions in the funeral services, including professional embalmers and funeral directors, the trainee should be under appropriate supervision at all times, and uphold the ideals of ethical and professional practice, with care and concern for public safety and welfare. Practice by unlicensed personnel, including aiding or abetting an unlicensed person, or assisting him/her in representing him/herself as a licensed embalmer or funeral director, is unethical and illegal.

Colleagues across the industry should share a relationship of mutual respect and consideration. In cases where two funeral directors work together, they have a professional obligation to transact services in a fair and equitable manner. When there is transportation, release of remains, or accommodation of the body in which embalming services are performed at another funeral director’s facility, for example, procedures should transpire according to specific guidelines relating to joint director responsibilities.

Give colleagues the loyalty and respect they deserve. It is unethical and unprofessional for professionals or trainees to exploit confidential information to the detriment of another individual during or after the period of employment. Avoid defamation of others by using care and good judgment in any discussion of other funeral directors. Recount statements that are factual in nature. Avoid disparaging or misleading statements which may be considered defamation, including comments regarding the funeral director's ability to enter into a legal contract or provide appropriate services.

The cemetery or crematory

Both crematories and cemeteries require prior notice for use of services, and the funeral director traditionally coordinates with the family's chosen cemetery or crematory, providing details regarding the time of the service, the type of outer burial container, or any of the other arrangements that need to be made at some time prior to the interment ceremony or cremation. The funeral director, in most cases, assumes responsibility for payment of cemetery or crematory fees.

As most funeral homes do not have their own crematories, funeral directors must be able to vouch for the professional and ethical standards held by any the third-party contractor. Ideally, the funeral director should inspect the crematory operations at some time before they are needed, to confirm appropriate state licensing, and a level of

Other public and private agencies

The funeral director makes contact with family members and representatives of various groups, agencies, or organizations, both public and private, in the course of business. Part of your professional obligation is serving an educational role, by being available to discuss any subject relating to funeral services, burial, or cremation, increasing public awareness of these topics and the grieving process. Information released to the press for preparation of the obituary should be discrete and sensitive to the needs of the family, omitting details

Medical and health-related responsibilities

Funeral directors and staff members should always be courteous and cooperative in communication or interactions with medical or health and safety personnel. They should be discreet in all professional transactions.

The funeral director and attending physician or certifier of the cause of death are jointly responsible for completion of the certificate of death.

The funeral director is responsible for ensuring that accurate information appears on the death certificate, that it is filed correctly, and on time, and that it is given to the family so they can make final arrangements. The information in the death certificate is strictly confidential and is only divulged or discussed, if necessary, with members of the family, the physician, or other authorized individuals. All medical inquiry and questions regarding the cause of death should

Public safety

Practitioners are required to abide by industry standards of safety and hygiene. Surfaces and materials must be cleaned according to accepted standards of sanitation, meeting all legal health and safety requirements, including universal precautions relating to communicable diseases. The funeral home or related facilities should be maintained in an appropriate fashion, upholding public health and safety standards and regulations for safeguarding the health of the public and staff members. Funeral services must conform to all legal regulations and health laws.

Keeping up with continuing education requirements will acquaint you, if necessary, with any new information about communicable

Do not question another business's credit standing, employee's skill or abilities of staff members, the acceptability of a facility, or equipment used, as any disparaging or misleading statement of this type may be considered defamation. It is unethical for the funeral director to make inflammatory remarks about another funeral home or funeral director, regarding private life, business operations, staff, or any other misleading remarks. You should be beyond reproach in this matter.

training and professionalism of the operators, who should be open to your inspection. The body of the deceased should be treated with the same care at the crematory that you would show the deceased at your facility. It is also your concern and ethical obligation to ensure that the remains returned to the family are indeed those of the loved one.

Funeral directors commonly interact with personnel from other funeral homes, sometimes arranging the removal of the deceased to another location, or having the deceased brought to the funeral director's funeral home for services. If the family has arranged for services or products through the other funeral home, it is unethical and unprofessional for the funeral director to negate or induce breach of any pre-existing agreements with the first funeral home.

they would prefer not be in print. Make sure information is factual and appropriately reflects or represents the deceased.

The individual practitioner is responsible to a state regulatory agency, which has been established by law to regulate the practice of funeral direction and embalming in a way that protects public health and safety. Professional practices should conform with board rules and regulations, which are also legally binding.

be directed to the medical examiner, physician or coroner, or other appropriate officials.

Funeral directors are strongly encouraged to support the deceased's and/or family members' wishes regarding the decision to authorize organ and tissue donation or body donation, in cases where the body organs or tissue are medically acceptable. While autopsies can complicate funeral preparation and arrangements by presenting a longer waiting period before the funeral, it is important that funeral directors not discourage autopsies, or be uncooperative with medical personnel and pathologists involved in an important, sometimes necessary, procedure. Any questions regarding the autopsy should be directed to the medical examiner, pathologist, coroner, or family physician, as appropriate.

disease prevention or potential health hazards. During the 20th century, a host of conditions proved potentially hazardous to embalmer health, including polio, TB, Legionnaires disease, AIDS, and, more recently, even anthrax and new diseases, like the West Nile virus and SARS. Creutzfeldt-Jakob disease (CJD), also has presented itself as a possible risk. Staying aware of recent safety precautions and health concerns is important from an aspect of personal safety, but also to shield oneself from potential litigation.

Business management and promotion

Conducting your business in an ethical manner is largely a matter of treating people fairly and decently, using your skills and time effectively, and adhering to high standards in your work. Your promotional materials, record-keeping, financial dealings, and conduct in day-to-day business matters should also be able to pass ethical scrutiny.

Funeral directors should not engage personnel to solicit funerals at or near the time of death. It is unethical and illegal for a funeral director to pay commission or related payments for this kind of solicitation. This is neither meant to discourage advertising, nor pre-arranged or pre-financed funeral agreements.

Pre-need sales

Pre-need sales should be handled in an ethical manner. Bonnie L. Tippy, executive director of the New York State Funeral Directors Association, suggests other states use the same guidelines for pre-need trusting decisions that are used in New York, which is one of among very few states that do not allow funeral directors to accept commissions from any third party in regard to pre-need funds, whether that entity is a third-party trust or insurance. Here are a few provisions of the laws:²

1. 100 percent of all monies must be trusted in government-backed securities.
2. There can be no cancellation or administrative fees charged.
3. Consumers get all their money back, plus interest upon demand. (Except in the case of irrevocable Medicaid trusts, which are 100 percent portable to any funeral firm anywhere in the country.)
4. It is required that all principal plus interest accrue to the benefit of the consumer.
5. If the price of the funeral is not guaranteed, it must state so plainly in the contract.
6. There must be a contract and an itemization (the same as the Statement of Goods and Services) for each pre-need account.
7. Any overage in the account after services have been rendered belongs completely to the estate or next-of-kin of the deceased, (except in the case of irrevocable Medicaid accounts, in which overages are paid directly to the local county indigent burial fund).
8. Once an account is set up, the consumer must receive an accounting of where the money has been placed within 30 days.
9. The consumer must receive an annual statement with all pertinent account information.
10. No bonding is allowed. Only cash will suffice.

Advertising/marketing

As a representative of your profession, any negative perceptions of your marketing materials or advertisements tend to reflect poorly on your colleagues and the profession as a whole. All advertising should be factual and treat the subject of funerals with dignity. All advertisements should be truthful and professional.

Documentation and record keeping

All records should give a factual and complete account of relevant transactions. It is unethical to withhold or insert any invoice or statement of false record, or representation of any transaction, invoice, record, or documentation for the purpose of misleading or deceiving a colleague, family member, organization, or government agency. It is unethical and unprofessional to misrepresent any aspect of the funeral service.

Maintaining your business in good professional standing means:

- Filing local, state, and federal taxes.
- Discussing or displaying fee schedules and billing practices prior to a first meeting.
- Making the family's welfare your paramount concern.
- Following generally accepted accounting practices.
- Keeping accurate financial records.
- Maintaining confidentiality.
- Respectful and cooperative collaboration with other professionals.
- Appropriate referrals, if necessary.

11. Money must be trusted, even if businesses claim that merchandise is being "warehoused" somewhere for the consumer.

Bonnie Tippy recommends that professionals review and answer the following questions regarding pre-funded funerals to confirm their ethical standards are above and beyond "business as usual":

1. If your state does not have a 100 percent trusting law, do you happily provide your consumer with information regarding just how much of their money will be put into trust and how much money you will retain? If you feel uncomfortable revealing this information, why is that?
2. If you charge an administrative fee which is taken from the principal paid to you, do you clearly inform the consumer of this fee and its purpose? If not, why?
3. Does your state require that consumers receive a yearly accounting of their money? Do you believe that consumers shouldn't have this information? If so, why not? Have you chosen for the trust to pay the tax so that the consumer will not get a yearly statement? Why?
4. If you receive a commission or other financial consideration for the placement of consumer dollars into a pre-need insurance policy or a trust program, do you reveal that commission to the consumer? If not, why?
5. If you receive a special price on caskets when placing a consumer's monies into a pre-need insurance policy or trust, do you reveal this information to the consumer? If not, why?
6. Ask yourself, "If I don't feel comfortable telling consumers everything about their pre-need account, could there be something wrong with what I'm doing?"

Promotional materials should:

- Include your license number, place of business, and phone number.
- Refrain from using fear or guilt as motivational tactics.
- Avoid unrealistic, misleading, or sensational claims.
- Do not use any wording or image that might be construed as offensive in nature.
- Adhere to truth-in-advertising standards.

Proper documentation and record keeping is a critical, if mundane, dimension of a successful business. Keep notes legible and accurate. If it is ever necessary to refer to files some time in the future (in legal proceedings, for example), the context and details of your notes should be clear. Adhere to the following guidelines for preparing and maintaining records:

- Notes should be legible, as well as accurate. Pay attention to your handwriting and use clearly written and recognized abbreviations. Remember that you and other people may need to refer to these notes years in the future. Make sure they are easy to read and understand.
- File records promptly and accurately. Establish a strict filing system and adhere to it, and be sure other staff members know the system and importance of using it.

Contractual obligations

The funeral director is required to fulfill all agreements and contracts, both verbal and written, in which he/she has contracted. There is no substitute for honesty and integrity in business matters. Be able to admit mistakes should they occur, as “covering up” means adding

dishonesty on top of dishonesty. Instead, be honest and do what you can to make amends. Trust is crucial to a harmonious relationship between the family and the funeral director.

Property custody

The funeral director is responsible for safe possession of valuables, including those on the person of the deceased at the time of death and those provided to the funeral home to be buried with the individual, if desired. The funeral director typically becomes custodian of all personal effects belonging to the deceased that were in his/her possession. Items with monetary value or of sentimental concern to the family are placed in a temporary trusteeship with the funeral director, who should transfer these items at the earliest point possible, according to the family’s wishes.

It is useful for the funeral director to review with the family that he / she is in possession of these items, confirm what should happen to the items after the funeral service, and to whom, if at all, they should be returned. The funeral director is ethically obligated to ensure that any valuables that remain with the deceased at the time of burial or cremation are indeed with the body at burial or cremation.

Confidentiality

In serving the family, the funeral director is typically privy to information of a confidential nature. Under no circumstances should the funeral director discuss the cause or nature of the death with anyone outside the funeral home. All information and matters relating to the deceased are strictly confidential and should not be communicated to a third party unless the funeral director is authorized to do so by the family.

Private details discussed during the arrangement conference are also sensitive and confidential in nature. Never repeat any details about the deceased or deceased’s family with staff members or family members unless it is directly pertinent to the funeral service or preparations.

Details regarding the cause of death, funeral arrangements and prices for services and products, who is paying and how much, are all sensitive issues that should be treated with discretion. When in doubt, do not disclose information.

Keep all original records in your possession. Share information only in cases where disclosure is required and appropriate. Impress the importance of confidentiality and retaining original file copies upon all staff members. Treat family members with respect and dignity. Handle personal information with sensitivity, and keep the content of records a private matter.

Accountability

Professional organizations protect public safety by certifying the competence of their members through licensing and continuing education requirements. Accreditation and professional affiliations maintain quality control and show your accountability to families, colleagues, and the profession, as a whole. They confirm that you abide by prevailing health and safety standards, conduct yourself in accordance with relevant legislation and/or professional regulations, and possess the specialized knowledge and skills of your field.

Once you’re successfully licensed, you are deemed “competent” in your business area despite the fact that your specific skills, training, and knowledge base may be somewhat different than that of other funeral directors or embalmers in the country. Licensing agencies and professional societies are able to maintain basic standards of

quality and professional expertise in the field, and ensure that licensed individuals are keeping pace with recent developments through continuing education requirements.

Crediting coursework is offered in a diverse range of formats (traditional classroom attendance, correspondence courses or distance education, weekend workshops, professional seminars and conferences) that vary widely in scope, practical value, length of study, and fee. Opportunities for advanced study in the field outside of continuing education are also abundant, offering the practitioner a diverse range of possibilities in certification, titles, and credentials, all associated with varying degrees of validity. Checks and balances on this system are minimal; those that exist are fueled in great measure by the personal accountability, honesty, and integrity of individual practitioners.

Scope of practice

Scope of practice refers to your area of competence, usually obtained through formal study, training, or professional experience, and one for which you’ve received certification or other proof of qualification. Your scope of practice is circumscribed, in part, by local licensing restrictions, which are sometimes very general. Misrepresenting your educational achievements, credentials, or abilities is a serious breach of responsibility that endangers the public and reflects poorly on the profession as a whole. If a subject is outside your area of expertise, don’t hesitate to say so, and direct the individual to appropriate informational resources or professional services.

Choosing to provide services for which you are not appropriately trained or competent is a dangerous personal decision that undermines the profession and may carry weighty legal implications. Your personal level of discretion and ethical standards will largely determine the manner in which you advertise your services, describe your education and professional experience, and list credentials.

You have an additional obligation to your clients and the profession to keep pace with new developments in the field and maintain skills at a professional level. This obligation is partly fulfilled through formal continuing education requirements, but can be supplemented by attention to industry journals, and seminar, workshop, and conference attendance.

Cremation and the funeral industry: Ethical concerns

As baby boomers replace older consumers for funeral services, the choice of cremation grows increasingly common. Cremation scandals, like Georgia's Tri-State Crematory debacle, where hundreds of decaying corpses were found on the crematory's grounds late in 2002,

have highlighted a number of legal and ethical concerns associated with cremation. This section of the chapter will discuss your role and responsibilities in the chain of custody and ways to reduce your risk of liability in cases of cremation.

The scandal that changed cremation in the United States

Investigators from the Environmental Protection Agency (EPA), responding to a tip, visited the Tri-State Crematory in Noble, Georgia, in the winter of 2002. To their horror, they found over 300 bodies in various states of decay, apparently collected over a period of 15 years. Bodies were piled up, one on top of another, some still wearing hospital toe tags, some cut into pieces to facilitate burial, with rusty coffins buried and disinterred. The crematory incinerator was not functional, and customers found they had been charged for cremations that were never performed. Urns given family members contained ashes from wood chips or other substances instead of the beloved's remains.

The Cremation Society of North America called the treatment of remains at Tri-State "an abuse of the most sacred trust." One thousand seven-hundred family members of the identified corpses sued Tri-State, along with the funeral homes that had sent bodies to the facility. Some pointed to a lack of regulation and inspection in the funeral industry as a factor in the incident, while others criticized the funeral homes that never inspected the crematory's operations, nor did they confirm that cremations were actually performed.

While Georgia regulates the funeral industry, a legal loophole allowed the crematory and others like it (which dealt only with funeral homes), to operate without a license. As a middleman in the process performing cremations on a contracted work basis with funeral homes, the crematorium was exempt from inspection. Georgia and many other states have since tightened regulations. In the aftermath, however, states

with stricter regulations, like Ohio, for example, were unable to enforce the law as they found they did not have enough inspectors to go around.

The Tri-State Crematory case raised important questions about the effectiveness of state-level regulation and the need for oversight in cases of cremation. After the case in Georgia, more states began to require that crematories be licensed and undergo inspection, even if they are private contractors and not open to the public. Additionally, to prevent the possibility of such a thing happening again, many states made it a felony to abandon a corpse.

Because funeral-cremation providers may be named in lawsuits associated with other organizations or individuals in contractual relationships, it is important to act and document in ways that reduce potential for legal action against you or your business, to avoid being "the weakest link" in a chain of custody. There are a number of reasons the cremation process might put one at risk: Cremation typically requires transportation and a change in custody, and usually occurs in a location unknown to the deceased's family and is performed behind closed doors, therefore, making a mistake like cremating the wrong body a possibility.

Other cultures and countries have rituals surrounding cremation, including viewing or public ceremonies that include cremation. Increasingly, in the U.S., family members are choosing to oversee cremation. Still, cremation is a mysterious process to many. One of your responsibilities is to provide full disclosure regarding the process, including its irreversibility.

Funeral directors and cremation

There is a stereotype that the relationship between funeral directors and cremation is one of antipathy, or dislike, but this need not be the case. In some cases, those unfamiliar with the process feel a reluctance to change the way they do things, and are therefore more likely to push a traditional funeral. Some funeral directors may see cremation as a threat to their bottom line; others may feel a bias against the custom, feeling it is not a respectable option, perhaps due to the way they were raised or because of its comparative inexpensiveness. Funeral directors "indoctrinated" into this traditional mindset may be missing out on an opportunity to expand their business and provide the range of services associated with cremation.

In the U.S., where most cases of cremation are prearranged, about one-quarter of all deaths were cremated in 2001, with numbers increasing with each passing year. By 2005, the national cremation rate was 30 percent, and as high, in some areas, as 60 percent. Increasingly, mortuaries are establishing a role in cremation, even if it is not direct, with many finding cremation cost-effective and easier than a traditional funeral.

Demand for cremation continues to grow in the United States. It is the preference among certain religious and ethnic groups, is lower priced than traditional funeral services, and can be associated with

increasingly accepted rituals, such as the scattering of ashes over a beloved location. New traditions also abound—individuals may select an urn for themselves in advance, setting it on the mantle until it is needed. You may see family members following a patriarch or matriarch in the way they handle funerals: everyone is buried in the family plot until one member chooses cremation, with ashes scattered on the lakeshore where they vacationed, etc. Then, other family members begin to follow the new tradition of cremation.

Funeral homes, as public facilities, must meet the needs of a diverse range of consumers, including those who prefer cremation. Personal biases relating to disposition should always be kept private, not shared in word, intent or action, nor communicated by manner or tone. Those who believe that cremation of a dead body is disrespectful in some way need to expand their horizons. Cremation is extremely common in other countries (in Japan nearly all of citizens are cremated). Respect the diversity of needs and remember that cremation is simply a disposition option, not a service option. Cremations often include memorialization, which can include family viewing or attending the cremation process, as well as other ceremonies or rituals. Funeral directors should respect cremation and the families that choose it the same way they treat more expensive burial services.

A lack of education

One reason funeral directors may be uncomfortable or unfamiliar with the choice of cremation is that so few educational institutions include an extensive cremation curriculum. An introduction to cremation might include an overview of techniques and trends, and include a visit to a crematory. Mortuary schools do not typically teach students how to effectively inspect a crematory even though the vast majority of funeral homes do not own their own cremation facilities and will

contract with others for the cremation services. In this capacity, the funeral home is the fiduciary and contract agent for the family, meaning the courts are likely to consider them "responsible" or "liable" when problems present themselves.

Sources of information

If you feel your education was incomplete, and you would like to learn more about cremation, there are many excellent sources of information on the topic, for both your and your clients' needs. Organizations that provide information on cremation include the International Cemetery and Cremation Funeral Association (ICCFA/ICFA), which produces model documents, guides, and forms that can be used for cremation service: <http://www.icfa.org/cremation.htm>; the Cremation Association of North America (CANA), composed of cemeterians, cremationists, funeral directors, industry suppliers and consultants, can be accessed at www.cremationassociation.org; the Funeral Consumers Alliance

(FCA), at www.funerals.org, provides information on cremation and suggests questions relating to crematory inspection; and the National Funeral Director's Association (NFDA), at www.nfda.org, publishes a best practices advisory for members entitled, "Due Diligence for Funeral Homes Utilizing Third-Party Crematories."

A number of organizations provide descriptions of cremation that can be useful for sensitively educating consumers about this option.

The following section reviews some basic terminology that is commonly used in many state and federal laws regarding cremation services. You will want to provide written information about cremation to consumers.

Cremation basics terminology

Authorizing agent: The person who is legally entitled to request a cremation.

Cremated remains: The bone fragments left after the cremation process.

Cremation: The heating process that combusts and evaporates human remains into bone fragments.

Cremation chamber: The enclosed space where cremation is completed.

Cremation container: The container in which human remains are delivered to the cremator. This must be composed of combustible (burnable) material; provide easy handling, protect the health and safety of crematory employees; cover the remains; and meet required guidelines for the appropriate treatment of the deceased.

Cremation urn: Urns are the final holding container for the processed remains. Each will differ significantly in size or shape, typically dependent on the choice of the purchaser and preferences specified or desired by the deceased. The urn may be displayed inside a home, on a mantle or shelf, as part of a pendant, piece of jewelry, or keepsake, or outside in a garden. Urns may be made from almost any material, though they are commonly wood, glass, clay, stone, or metal.

Crematory authority: The crematory representative.

Crematory or crematorium: Encloses the cremation chamber.

Holding facility: Where remains are kept until cremation (must be compliant with public health laws; maintain the dignity of the remains; and protect the health and welfare of the crematory personnel).

Human remains: The body of the deceased before cremation.

Processed remains: The result of the cremation process.

While refrigeration of the body is not part of the cremation process, most bodies are refrigerated to retard decomposition during the period between the death and the cremation, to protect workers and the public from potential health hazards. Embalming is also not necessary to the cremation, but may be selected if there is a public or private viewing, or if the body must be maintained for a longer period of time, for instance, if it will be transported by air or train travel to a final destination.

The cremation process is unfamiliar to many and even frightening to some. Furnaces used for cremation typically use propane or natural gas as a source of heat. The body, which is placed inside a chamber (retort) built to retain heat, is typically heated from 1,500-2,000 degrees Fahrenheit. The actual cremation process may take hours to complete, with most furnaces designed to take up to four hours to thoroughly disintegrate the corpse. Since the Tri-State scandal, it has become more common for family members to ask if they can watch the cremation process.

Because the body within the casket or container is directly exposed to heat and flame, it is crucial that pacemakers and other medical devices be removed prior to cremation as they may explode when subjected to high temperature, risking the safety of the crematorium staff and equipment. Keepsakes or mementos (such as jewelry or rosary beads,

for example) will be destroyed during the cremation process. Anything the family wishes to keep should be removed by the funeral director before transferring to the crematorium.

After a few hours, the body is consumed by heat or evaporation, leaving a residue and bone fragments, called cremated remains. Cremated remains are carefully removed from the cremation chamber, and a magnet is used to remove any remaining metal from the body. Cremation is typically a two-step process. First, the deceased is exposed to heat and flame, which reduces the remains to ash and bone fragments; then, the remaining material is processed by a machine, resulting in a uniform powder. A special labeling system, with identification all along the way, ensures that the correct remains end up in the correct urn.

The required cremation process varies by state as does the regulation of emissions. While some consider cremation more environmentally friendly, it does contribute to air pollution, which can be toxic if embalming fluid was used. Increasingly, crematoriums are addressing the problem of containing pollution released by the cremation process. Mercury in dental fillings, for example, emitted in the cremation process, can endanger crematory workers unless it is specifically filtered.

Many states have a Crematory Regulation Act, which establishes a Crematory Authority Council or similar body to regulate the cremation of human remains. A typical example is the Wisconsin Crematory Authority Act, passed in 2005, which created a Crematory Authority Council in the Department of Regulation and Licensing. It prohibits a person from cremating human remains unless the Department of Regulation and Licensing has registered the person as a "crematory authority" upon receiving the specified fee and application information, with registration renewal required every two years to remain valid. The act authorized the Department of Regulation and Licensing to promulgate rules under the Act and to investigate or conduct hearings to determine whether violations had occurred; specified conditions under which the department may reprimand a crematory authority or deny, limit, suspend, or revoke a registration; and created criminal penalties and civil forfeitures for violations under the act.

State laws regarding disposition often take the form of a personal preference law or a designated agent law, both of which designate who has cremation authorization. Personal preference laws typically provide the hierarchy of kin who may control the disposition in the absence of a directive from the deceased. A law might establish, for example, in the event of a dispute between kin, all concerned to be prepared to assume the financial responsibility for the disposition. Such a law might also define those individuals who may not serve as a designated agent for disposition.

Each state is different. California has both a personal preference law, found in the state's Health and Safety Code 7100.1, and a designated agent law (7100). In Minnesota, there is a legal requirement to comply with the deceased's wishes, but the next of kin may contest it. In April 2008, Iowa SF 473 was signed into law, giving an individual the right to name an agent to make all arrangements for disposition of the body.

If this form is not attached to a Durable Health Care Power of Attorney, however, it is invalid. In contrast, citizens of Massachusetts are only able to ensure their preferences are respected if they have arranged it with a funeral director before the death: if a pre-need (prepaid) contract is in place, the funeral director must obey it. If this has not been arranged, the right to control the disposition of the body follows the usual next-of-kin succession, even if it is not the preference of the deceased. It is important for funeral homes and crematories to stay abreast of new state or federal laws and evaluate their institution's legal forms with regard to

Cremation authorization

It is the contracting funeral-cremation provider's responsibility to obtain a signed, legally binding cremation authorization form. In most states, the cremation consent, including some description of the cremation process, is legally required before a cremation authorization can be signed. The vast majority of states follow regulations based on the Model Cremation Law published by the Cremation Association of North America and reviewed by many in the industry. (The current version of the Model Cremation Law, published in 1999, which sets out the requirements for the information contained in cremation authorization, has been adopted by most of the states passing cremation laws.)

Some states have developed a standard description that includes this essential information. It is imperative that the right person is making these critical decisions, and that all authorization forms and charges agree who is responsible for what expenses. Disputes between significant others and family members can easily legally ensnare well-meaning funeral directors. In cremation, especially, every action must be authorized beforehand and documented immediately afterward.

Full disclosure

To provide authorization, the authorized individual must understand what is involved in the cremation process and the reason for these requirements. Present all information in a direct manner that allows the authorizing agent to read about the cremation process at a level of detail they find both sufficiently informative and tactfully presented.

Should the cremation consent form be long and detailed, or simply provide a brief description of the process? While it may be a part of the cremation authorization form, the description of cremation should be a separate sheet or brochure with a signature line to show that the customer reads and understands the cremation process. The form must include crucial information regarding, for example, the inability to recover valuables left with the body after cremation.

While one need not give graphic descriptions of the burning process, full disclosure requires that the following information be communicated to the authorizing individual:

- The identity of the person and the container selected for the cremation process.
- That the body will be reduced by heat and flame.
- That the cremation will also burn the container holding the person.

Consumer protection procedures for cremation

Removal and identification of human remains: The crematory authority must verify that the remains are identified clearly. Identification must include the name of the deceased; date, time and place of death; name and relationship of the authorizing agent; and the name of the authorizing agent that has requested cremation. In cases where the remains are already in a cremation container, the crematory authority should ensure they have been identified and attach this identification to the cremation container.

revised guidelines. Pre-need contracts that contemplate cremation may want to include an authorization form that addresses current laws.

The personal preference law, which exists in more than 50 percent of the United States, mandates that the written wishes of the deceased are to prevail, yet some funeral directors still insist on signatures from next of kin, in disregard of the law. For your state information, see the Funeral Consumers Alliance website, which has a directory of links to specific state laws: <http://www.funerals.org/your-legal-rights/funeral-decision-rights>.

Most states require authorizing agents (usually family members) to do certain things before the cremation is authorized, such as confirm whether the deceased used medical devices, such as a pacemaker or defibrillator, or other mechanical or radioactive implant that could risk the health or welfare of an individual performing cremation services.

The authorizing agent will also be asked about pulverizing the cremated remains and removal of items, such as jewelry or other foreign material, which will be destroyed in cremation. The authorizing agent must be aware that any jewelry or keepsake kept on the body will not be recoverable.

The authorizing individual will need to sign in the appropriate places to show that he or she has read and understood the information provided, with the signed sheet returned to the cremation service provider. The cremation authorization has two main functions:

- Ensuring that the person with legal authority to control disposition is making the cremation decision (authorization).
- Ensuring that the person with legal authority to control disposition understands important information about the cremation process (disclosure).

- That the cremation process is final and there is no way to reverse the process.
- The body will be repositioned to incinerate completely.
- While only one cremation is done at a time, microscopic co-mingling will occur due to remaining residue on the cremating chamber; every effort is made to collect 100 percent of the remains, including sweeping and vacuuming of the chamber.
- All recoverable remains are placed in the urn; if the amount of remains is too large for the urn, a second urn, with appropriate identification, must be kept with the first container.
- Personal items are removed only with the specific written permission of the authorizing individual (including items such as clothing, glasses, or dentures).
- Items remaining on the body or clothing will be destroyed.
- Some items, including prosthetic devices, and metal implants will be removed from the cremated remains before processing, and may be buried or otherwise disposed.

Have your description and authorization form (along with all other consumer legal documents) reviewed by a lawyer to ensure they are complete!

Holding remains for cremation: If cremation is not immediately possible, the crematory authority must provide a holding facility, accessible only to crematory personnel. Remains must be held in a cremation container (which cannot show any leakage of body fluids). Unembalmed remains must be contained in a refrigerated facility. Embalming and caskets are not required for cremation services and should be represented as such.

Cremation: The identification must remain associated with the residual material. Cremated remains must be put in a sealable

container if further processing is required. At this point, the process sometimes leaves recognizable fragments of the body, which are typically processed further (until unrecognizable) if they are to be scattered. The authorizing agent may request that certain items be removed from the remains before cremation is performed and be disposed of by the crematory authority (prosthetics, false teeth, etc.).

Packaging remains after cremation: Crematory personnel will remove all recoverable remains, taking out any metal particles. Some crematories pulverize the remaining bone fragments into ashes, while others specify alternative disposal within a certain period of time. All processed remains will be placed in a sealable container and not mixed with any other objects

Other disclosures associated with cremation

The Federal Trade Commission requires the disclosure of certain information regarding cremation to the consumer to avoid potential misrepresentation. States typically adopt the FTC rules into their laws. They note:

If you choose a direct cremation, the funeral provider will offer you either an inexpensive alternative container or an unfinished wood box. An alternative container is a non-metal enclosure used to hold the deceased's remains. Such containers may be made of pressboard, cardboard, or canvas. A wood box or alternative container may lower your funeral cost because it would be less expensive than a traditional burial casket.

Under the Funeral Rule, funeral directors who offer direct cremations:

- May not tell you that state or local law requires a casket for direct cremations.
- Must disclose in writing your right to buy an unfinished wood box or alternative container for direct cremation.
- Must make an unfinished wood box or alternative container available for direct cremation.

The FTC requires that alternative containers (including cremation caskets) be listed together with the traditional casket prices. Funeral

Risk reduction

When a mortuary, cemetery, or crematory is entrusted with a cremation, every step of the process, such as identification of the deceased, transferring the body, holding and packing the cremated remains, disposal of ashes, etc., becomes a concern to all parties. Begin documentation with the initial call, and follow through with all appropriate identification forms and arrangements, particularly if you transfer the body to an outside crematorium. Anytime you are a member of a chain of custody, you are taking actions associated with risk. In most cases, legal action comes long after the services are provided.

A recently published book, entitled, "Traversing the Minefield (Best Practice: Reducing Risk in Funeral-Cremation Services, LMG Publishing, September 2007)," provides a step-by-step guide to every conceivable aspect of cremation, with excellent examples and tips for reducing your risk of liability as a funeral-cremation practitioner. The authors, Michael Kubasak and William M. Lamers, Jr MD, know the subject matter well, and provide ample evidence of widespread shortcomings in current funeral-cremation practices.

Cremation agreement

When an outside crematory is used, there should always be a crematory agreement between the provider and the third-party contractor. Because customers usually assume that all services are provided by the primary vendor (the funeral home), it is important that you disclose this information, as well as whether a representative of the funeral home will be present at the cremation site during the cremation. Failure to

unless asked to do so by the authorizing agent. If the processed remains do not fit in the specified container, the remainder should be put in an additional container or disposed of in a way approved by the authorizing agent. Containers should be clearly identified.

Disposition of remains: The crematory authority must keep records of all cremations and disposals for the minimum number of years required by state law. In cases of unclaimed cremated remains, the cremation authorization typically includes a provision allowing a crematory to dispose of unclaimed remains in a legal manner after a certain amount of time.

homes that steer consumers away from cremation caskets (which can be used for burial), for example, telling consumers they are not appropriate for burial, are in explicit violation of the Funeral Rule. It is the consumer's right to choose "only those items [he/she] desires."

The Funeral Ethics Organization described the following scenario in its Spring 2005 newsletter:

A woman arranging for her husband's viewing and cremation wanted to purchase an urn from one vendor and use funeral services from another, but was told the urns are only for customers receiving other services. The anti-tying provision of the FTC Funeral Rule states that "it is an unfair or deceptive act or practice for a funeral provider to condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law." The only exceptions are those where the provision is "impossible, impractical, or excessively burdensome."

Reluctance to fully disclose can be construed as consumer fraud in legal cases. Lawsuits commonly result when clients feel they were not told important information or have unnecessarily restricted options. Remember that informed consumers are the most satisfied consumers.

In the Tri-State Scandal, over 50 funeral homes settled claims brought by families on the basis that the funeral homes had been negligent in selecting a crematory that was involved in unprofessional and unethical disposition activities. In most cases, settlement amounts were paid by insurance companies. In some cases, however, insurance companies denied coverage to funeral homes, claiming that the businesses' professional liability policies did not cover the wrongful acts.

T. Scott Gilligan, who serves as NFDA general counsel, suggests taking the following actions to ensure your funeral home is covered in cases where a third-party crematory is used:

- There should be a written agreement between the funeral home and the third-party contractor stating that the crematory will provide indemnification to the funeral home in the event of negligence by the crematory.
- The crematory should provide the funeral home with its insurance liability policy.
- The funeral home should require the crematory to list the funeral home as an "additional insured," on the crematory's insurance policy.

admit that a third-party crematory is a part of the process is a failure of disclosure that can be interpreted as misleading the consumer.

Using a third-party crematory generally necessitates that the deceased be transferred, exposing you and the deceased to potential risks. In some cases, the funeral home will need a special permit allowing transportation of the body to another location, out of state, for example. Documentation is critical every time the body is transferred

from the place of death, to any other location on the way to final disposition. One body should be transported at one time, and the body should never be left unattended in a transfer vehicle. Documentation of the transfer should include:

- Time of departure and address of the initial location.
- Time of arrival and address at the next location (necessary for each transfer).

- How identification was determined, with the signature of the witness.
- All personal belongings with the deceased should be recorded on a personal property receipt and signed by a witness.
- A receipt for the deceased, (typically signed by both a family member or other authorizing agent and the individual completing the transfer).

Endnotes

1. [www.fea.org/Funeral percent20Ethics/constitution.html](http://www.fea.org/Funeralpercent20Ethics/constitution.html)

2. www.fea.org/higher_standard.htm Copyright 1998 Funeral Ethics Association

PROFESSIONAL ETHICS

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

21. Virtually all state licensing authorities, certifying/accrediting agencies, and professional associations establish their own standards of conduct and ethical guidelines for their members.
☐ True ☐ False
22. Licensed practitioners are bound by their professional affiliation to act responsibly, even when others do not.
☐ True ☐ False
23. It is generally a good idea to assume that family members know little about your business.
☐ True ☐ False
24. Your first responsibility is to the cemetery or crematory.
☐ True ☐ False
25. It is unethical for the funeral director to make inflammatory remarks about another funeral home or funeral director, regarding private life, business operations, staff, or other misleading remarks.
☐ True ☐ False
26. The family of the deceased is responsible for ensuring that accurate information appears on the death certificate.
☐ True ☐ False
27. Maintaining your business in good professional standing means filing local, state, and federal taxes, among other practices.
☐ True ☐ False
28. All information and matters relating to the deceased are strictly confidential and should not be communicated to a third party unless the funeral director is authorized to do so by the family.
☐ True ☐ False
29. The authorizing agent for a cremation is the crematory representative.
☐ True ☐ False
30. Cremation urns are the final holding container for the processed remains.
☐ True ☐ False



Chapter 4: Dealing with Difficult People and Situations

2 CE Hours

By: Elite Staff

Learning objectives

- Describe the physiological reactions that produce the “fight or flight” response.
- Explain the relationship between stress and illness.
- Define and give examples of very aggressive and very passive behavior.
- List some characteristics of active listening and explain its purpose.

Introduction

You have probably worked with at least one or two “difficult” individuals in your career; anyone who makes your life more complicated or stressful by creating and including you in situations you would like to avoid. Difficult people tend to contribute to a negative atmosphere. They may have poor work habits or social skills. Difficult people are likely to complain when their business is too busy and when it’s too slow. They may be petty and gossipy, start rumors, or repeat unhelpful comments.

Difficult people may talk too much, be loud, rude and physically imposing. They may be verbally or physically abusive. They may be sulky or give you “the silent treatment.” They may be bullies or nags. They may be constant whiners or pathological liars. Difficult people make your life difficult. While funeral parlors are supposed to offer a little sanctuary for family members and friends of the deceased, they may have just the opposite effect on funeral directors or technicians who are plagued by a difficult personality at work – a coworker who always raises your blood pressure, perhaps, or a manager who won’t stay out of your business.

Difficult people encourage “burnout” in those around them. We may feel manipulated by them. They make us lose our temper, slow down progress and prevent us from getting things done. They may make us feel guilty, anxious or upset. In many cases, working with someone you don’t get along with is not only a difficult and stressful experience, but one that negatively affects productivity. Coworkers who are not happy in their positions can “bleed” discontent onto their clients or

coworkers. Even if you try to hide dissatisfaction or frustration from your superiors, coworkers and clients, this kind of stress can build up, and it is possible to sense the negative energy in your environment, as well as be affected by it.

Everyday we encounter difficulties and negative responses in others. What should we do when confronted by difficult people who are a pain to deal or work with? You may try to reason with the person, ignore the behavior, or respond in kind – someone launches into you; you launch back. But this brings you no closer to a solution and may make the situation worse. Ignoring the person contributes to lowered morale, in general, as difficult people tend to make everyone a little more on edge. Additionally, you may feel resentful that the individual causes you distress and uses up your time and energy. Irritation and frustration can mount until tempers explode.

What if you could respond in a way that effectively diffuses the anger and directly addresses the dilemma? It is possible to change the way you deal with difficult situations and behaviors, to bring out the best in people and effectively address difficult people and situations. This chapter should help you:

- Examine the “challenging” behaviors you encounter.
- Understand something about why people act as they do.
- Analyze how you react to them.
- Learn ways to prevent and address difficult situations.

Understanding behavior I: Habitual responses; emotion vs. logic

Before you can address the problem of difficult people and behaviors, you must be able to observe and identify your own actions and moods, realistically and objectively. Answer these questions to assess how strongly you are affected by a particular difficult person, and to what degree this individual negatively influences your behavior:

- Talking or working with this individual drains my energy.
- When I know I have to have contact with this person, my mood takes a turn for the worse.
- I tense up around this person.
- I would be very relieved if I knew I did not have to encounter this person anymore.
- I plan ways to avoid this person.
- This person seems to bring out the worst in me. I do not like how I act around him/her.

If you answered yes to these questions, you are having strong emotional reactions to this individual and are likely experiencing a significant amount of stress related to him/her. Tension or stress may manifest itself, over time, in physical symptoms, such as stomachaches

or headaches, and stress-related behavior, including impatience, anger, sadness and overreaction. In some people, long-term reactions to stress may include depression. Stress over long periods of time can run you down and eventually take its toll on your health.

Learning techniques to handle difficult people or address difficult behavior involves a number of steps. The first step is learning to identify your own emotional responses in a difficult interaction and know this about human emotions and behavior: Much of how we think and act is a matter of habit, or repeated patterns of behavior, including the way we deal with difficult people or situations. If our habits are negative, our results tend to be negative, too. The challenge is to express the negative emotions you feel in useful, positive ways.

Most people are unable to behave logically under stress because they react automatically, without thinking. Confronted with difficulty, the body tends to respond with the “fight or flight” response¹; the heart beats more rapidly and perspiration increases. This reaction, called “acute stress response,” is an evolutionary reaction to threatening

situations. It causes us (and other vertebrates) to react in one of two ways, to either address the danger (fight) or run away (flight).

During the acute stress response, the sympathetic nervous system triggers the release of epinephrine and norepinephrine from the medulla and adrenal glands. These speed up the heart rate and breathing, constricting blood vessels in some parts of the body and opening others, those that tighten or tense the muscles. All of this makes the brain, lungs and heart work harder, preparing the individual for either fight or escape. Adrenalin surges, making the person alert and aware, and physically ready for what comes next.

Humans commonly respond angrily to difficult situations because of this physiological response. Instead of responding with a thoughtful reaction from the left side of the brain (the problem-solving, logical part), we react with the right side of the brain – emotional, irrational and without logic. You can control this reaction by developing your awareness, identifying your physical reaction to stress and the associated emotional response. This insight allows you to begin controlling your responses in a difficult interaction, rather than having your responses control you.

Think about how you react when someone drives dangerously near you, cutting you off, for example. Most people respond angrily to a threat like this. How do you react? Does the anger fade quickly? Are you likely to say a few choice words about bad drivers to your passenger? Will you swear at the individual? Even follow him just so you can give him a piece of your mind? Do you find a way to stay irritated for a while, or, does this one moment pass easily, with you realizing that you felt personally threatened and, perhaps, even fearful for a moment?

Some people's attitudes are easily influenced. They may be "moody" – up one day or hour and down the next, with little or no idea why, reacting blindly or emotionally without analyzing their reactions or resulting behavior. Do you react automatically to the people around you? Does someone else's bad mood tend to "rub off" on you? If you are the kind of person who chooses to remain upset long after a near-collision, you can't continue to blame the other driver. Realize that your responses to difficult people or situations are entirely your own decision and completely under your control. If you choose to replay the incident in your mind and "refuel" your anger, you are wasting a great deal of energy on events in the past that cannot be changed.

Principles of conflict resolution (getting along with others)

Working in harmony with other individuals can be a matter of establishing and implementing a number of principles to help you control your own words and actions and create the foundation for a peaceful, or at least less stressful work environment. While there are many different philosophies of conflict resolution, many stress the same guiding principles. The following guide, drawn from Zen Buddhist teachings,² includes many of these common principles. Notice how many are directed at changes in one's own thinking and behavior:

- Take responsibility for our vulnerabilities and emotional triggers in relationships with others.
- Investigate our own responsibility in the conflict before speaking with another.
- Practice non-stubbornness by holding an open heart, a willingness to understand and a desire to reconcile differences.
- Have face-to-face resolution of the conflict with the other person or people involved.
- Use anger in a constructive and respectful way, allowing it to teach and transform us for the better, avoiding the "poison" of envy and comparing ourselves to others.

Principle 1: Stop trying to change other people

Trying to change the difficult person does not resolve any problems and typically leaves you even more frustrated and angry. So, instead of trying to change the difficult person to make them less difficult, accept

Next time you feel emotion and logic at odds with one another, pulling you in opposite directions, focus your attention on your physical and emotional reactions. When you are able to pause, instead of blindly reacting, you will begin to gain control over your moods and choose how you react. While it may not be possible to do in all cases, it is a simple, but profound step towards controlling your moods, rather than being controlled by them.

Like us, other people's difficult behavior may be steeped in habitual patterns. We all develop responses to other people's words and actions that can automatically take over if we let them. By interrupting our own negative repeated strategies, it is possible to break the pattern, allowing the interaction to shift from one of frustration to the beginnings of a solution.

Difficult people are seeking particular things in response to their behavior. You may be unable to see the benefits they reap because they are not things you desire. Difficult people, for example, may not only want to get their way; they may get some satisfaction from "pushing your buttons" or making you lose your temper. Difficult people may feed into or encourage our own difficult nature. Instead of playing into their behavior by contributing to or escalating the conflict, learn to switch off your defense mechanism when confronted with negative actions or words. Practice the following:

1. Recognize your automatic reaction.
2. Take deep, measured breaths and focus on your breathing until you feel the physiological response dissipating.

Learn to refrain from pointless arguments or accusations that exacerbate the difficult situation. This gives you an opportunity to respond in a way that is productive and brings about a good or better outcome. By recognizing and not reacting to or adding to conflict, you will no longer be held hostage by your moods and automatic reactions, and difficult people will not seem so difficult. Once you learn some strategies for dealing with problem behaviors, you will be able to take charge of the interaction or situation and promote a more peaceful environment.

Learning to deal with difficult behaviors in others requires you to manage your part of the interaction effectively. While events may occur beyond your control, your response is still within your control, and you are entirely responsible for your own reactions.

- Separate the behavior from the person, seeing the situation as an opportunity.

Perhaps the core principles of conflict resolution or dealing with difficult people are to maintain respectful relationships and try to resolve issues without emotion. The first part of this chapter introduced the importance of observing your emotions and learning to stop yourself from automatically reacting without thinking. The next part discusses some principles of respectful communication.

Like the principles above, these ways of thinking revolve around changing you and the way you respond to difficult people. This is because, as much as we try, we cannot change other people. The most effective changes are those we implement internally, changing ourselves. By changing the way you respond to difficult people, you change the type of interaction that results. By shifting the focus to yourself and your own behavior, you have the means by which to change the nature of the interaction from negative to positive.

that person as he/she is, with faults, like you. Simply by choosing to accept people as they are, we create a less stressful environment. Think of how easily people telling others how they should change

leads to heightened conflict, and accept that you no longer have to try to control or influence other people's thoughts and behavior – the realization that it is not your mission to convince everyone that you

are right. Leave that burden behind, and accept that you have no responsibility for changing minds.

Principle 2: No blame-game

People grow accustomed to blaming others or themselves when things go wrong, rather than looking for ways to fix the problem without focusing on blame. But blame does little to resolve a difficult situation. Learning to address negative energy or attitudes around you without

blame is an integral part of dealing with difficult people. This means relaxing your judgment of people and assuming the best of those around you, giving them the benefit of the doubt.

Principle 3: It's not about you

A necessary aspect of this strategy is learning to depersonalize communication and behavior. It is the realization that, in most cases, the difficulties you encounter are not at all about you. When a person ignores you or speaks unfairly to you, how do you handle it? Do you feel angry at the person, assume their words to you were malicious and intentional? As you go through the day, do negative feelings about the person persist? Do you hate others because you think they hate you? This kind of thinking perpetuates negative behavior on both sides and gets you no closer to a solution.

Negative behaviors or responses often come from our own feelings of insecurity. Learn to listen to others without forming these presumptuous attitudes that revolve around your ego. Realize when you are talking to a difficult person that you already have a bias against them, that you may be predisposed to interpreting his/her comments negatively or in a judgmental way. In so many cases, a perceived snub has nothing to do with you. Perhaps the person you were speaking to had a long day, or is preoccupied with some recent bad news. By learning not to interpret the interaction as a personal affront, we give the person the benefit of the doubt.

Principle 4: Treat people well

Practice treating difficult people with as much kindness and patience as you can. If you are respectful toward them, you may find their behavior loosens up or bothers you less. Remember that anyone can be

someone's difficult person at some point, even you, given the right (or wrong) circumstances.

Principle 5: Don't waste your time and energy on things you cannot change (like the past)

Many people are unable to let go of the anger or frustration associated with a source of negative stress. Practice mentally "throwing the problem away" by putting an end to rumination or "replay" of the situation in your head. Do not occupy your time repeating the story, or endlessly complaining to other people. Use this energy for more productive pursuits.

Choose to focus your energy on the present and future, rather than waste it on past events that cannot be changed. Many people find the "Serenity Prayer," by Reinhold Niebuhr, a good reminder about wasted emotional energy:

*"God grant me the serenity
To accept the things I cannot change,
The courage to change the things I can,
And the wisdom to know the difference."*

Understanding behavior II: Communicating needs: assertiveness, aggression and passivity

Much of a person's ability to deal usefully with emotions like anger and frustration is associated with his or her style of behavior or degree of assertiveness. Assertiveness refers to the spectrum or range of behavior between passivity at one end and aggression at the other. It may be one of the first things you notice about another person's behavior.

Individuals respond to difficult situations with different degrees of assertiveness. Stress tends to pull at people emotionally, making them either more or less passive or aggressive than is usual for them. You may have noticed that people experiencing grief may be excessively passive or aggressive during this period. Assertive people differ from passive and aggressive people in their ability to acknowledge and state their own needs and to respect the needs of others. Passive or aggressive individuals are typically unable to do so.

Characteristics associated with aggressive or passive/aggressive tendencies:

- I often yell back when someone yells at me.
- When someone tries to boss me around, I frequently do the opposite of what he/she asks.

- I often take my time "just to show" someone when he/she tries to boss me around.
- I often make threats that I really don't intend to carry out.
- When I'm feeling insecure and jealous, I'll often pick a fight with someone rather than tell him/her directly what's on my mind.
- Starting arguments with someone when he/she disagrees with me is something I often do.
- Slamming doors is something I often do when I get mad at someone.
- I'll often do something on purpose to annoy someone, and then apologize when he/she accuses me of it.
- I will often break a "rule" someone has made just to spite him/her.
- When someone makes me do something that I don't like, I often make a point of getting even later.
- I often won't do what someone asks me to do if he/she asks in a nasty way.

Aggression

Aggressive or domineering thinking focuses on meeting one's own needs at the expense of others'. Aggressive individuals often ignore the impact of their behavior on others; it is an "I win, you lose,"

position, incorporating a variety of aggressive methods of control, including dishonesty. Judging, criticizing, out-talking or being loud and intimidating can all be used to dominate other individuals.

Being aggressive often involves a belief system that puts the aggressor's standards and needs above others. Aggressive people may think they are the only ones who have a corner on the "truth" of the situation. They may be very stringent about following their rules, but not those of others'. Aggressive individuals do not consider other people's wishes and have little respect for others' needs and rights. Things may have to go their way or no way at all.

Aggressive people may have had backgrounds in which domineering behavior was encouraged or rewarded. While they may appear very confident, they often have poor self-esteem and may be unable to accept blame. Unlike passive manipulators, aggressive individuals tend to be obvious in their attempts to push people around. A "bully," for example, is one type of aggressive personality who typically uses some form of obvious mental, physical or monetary coercion to force others to do as they wish.

Another type of aggressive or dominating personality is the "con man" who uses deception or subterfuge, often relying on verbal skills to persuade others to do what they want. Con men differ from other aggressive manipulators in their ease and ability to lie and lack of

concern for speaking falsely. The terms sociopath and psychopath refer to two extreme forms of con men behavior, individuals who have little regard for others' welfare and who engage in extreme behavior to get what they want, with few or no signs of guilt.

Dominant or aggressive behavior may also manifest itself in judgmental control, a "holier than thou" or "know-it-all" attitude that keeps others off-balance. The judgmental person thinks he or she is morally or intellectually right or has "the truth" on his/her side, and implies that the person with whom they are in conflict is not as intelligent or as good a person in some way. This kind of manipulation is dishonest in that judgmental people claim they are doing the right thing, while their real motivation is to control the situation and get their way.

While aggression allows the difficult individual to get his/her way in one sense, aggression manipulation works against the difficult individual because other people learn to fear or resent and distance themselves from the difficult person. Like passive individuals, aggressive people may have poor social skills and little trust in others. They may feel suspicious, angry, and wounded by others' reactions to them.

Passivity

Passive or nonassertive thinking focuses on meeting others' needs at your own expense. It is a "You win, I lose" proposition. Passive people typically allow others to control them but are also capable of manipulating or controlling others. Individuals who tend toward passive behavior in times of stress are likely to feel angry and victimized or taken advantage of. They may feel frustrated, feeling they never get their way, and have little control over their lives. They may be sulky or withdrawn, thinking that no one listens to what they say anyway. They may have little confidence in themselves and be reluctant to accept change.

Indirect passive manipulators may use subtle or devious means to get their way, including sabotage, sarcasm, "playing the martyr" or the "silent treatment." They may be inclined to use passive/aggressive measures, spreading rumors, making fun of others or talking behind

others' backs. They may hide their feelings, pretending that everything is fine while they are actually seething inside. Sometimes a person can go from one extreme to the other; a person who is typically not assertive will become aggressive. This may happen because small amounts of resentment build up until "the last straw," when they lose their temper.

Passive manipulation may also be subconscious, and include withdrawal, feeling depressed or "down" and a disinclination to communicate or cooperate. Passive personalities may be overly dependent on others, hypersensitive to criticism and lacking in social skills. Passive behavior can be frustrating to more motivated, efficient workers, who may feel they're carrying "dead weight," at their place of employment.

Characteristics of assertive behavior and communication

Assertive thinking and behavior balances an active concern for one's own welfare and goals with those of others. It comes from a genuine wish and attempt to find "win-win," long-term solutions to recurring problems, as opposed to superficial or temporary, stop-gap measures that ignore the underlying cause of the problem. Assertive communicators face difficult situations squarely, while non-assertive people tend to avoid directly addressing the root of the problem.

The assertive approach utilizes the individual's respect for him/herself, treating the other person in an understanding and kind way, yet focused and firm enough to accomplish the win-win solution. While the ultimate objective of the assertive approach is finding immediate and lasting solutions to problems, assertive communicators endeavor to de-escalate conflict and improve communication, bringing people closer together. Assertiveness tends to be the most effective response to non-assertive, aggressive or manipulative behavior, but learning to act assertively typically requires some degree of training and skill, whereas non-assertive and aggressive responses, by contrast, are emotional and automatic.

Assertive communicators tend to be more emotionally open and honest about their feelings and thoughts. They tend to act kindly and diplomatically throughout the difficult situation and speak and act in respectful ways. Assertive communicators are more likely to express care or concern for another person, to compliment or commend him or her, even in the midst of a difficult situation.

The following statements describe characteristics typically associated with assertive behavior and communication:³

- Confronting someone with a problem as it comes up is seldom a problem for me.
- Telling someone that he/she is taking advantage of me is not difficult for me to do.
- If someone is annoying me, I do not find it difficult to express my annoyance to him/her.
- Saying "NO" to someone when I would like to say "NO" is easy for me to do.
- I am able to ask someone to do me a favor without any difficulty.
- I do not have difficulty telling someone my true feelings.
- Challenging someone's beliefs is something I can do with little difficulty.
- In general, I am very direct in expressing my anger to someone.
- I do not have trouble saying something that might hurt someone's feelings when I feel he/she has injured me.
- Expressing criticism to someone is not a problem for me.
- I can express a differing point of view to someone without much difficulty.
- I often let someone know when I disapprove of his/her behavior.
- In general, I am not afraid to assert myself with someone.
- I do not give someone the "silent treatment" when I'm mad at him/her. Instead, I just tell him/her what has angered me.

Honest, but kind

Assertive communicators use words with great care because they know words can hurt people deeply, causing great pain. Choosing to speak kindly and carefully does not mean that you cannot voice your opinions or disagree with the difficult person. It means you do not use words to attack or undermine. During a difficult encounter, speak the truth, but tell it in a way that is supportive, building up self-esteem rather than tearing it down. Always bring attention to a sensitive issue in private to avoid an audience, and try to discuss problem behavior without indicating the person is behaving that way.

Assertive communicators are honest, diplomatic and diligent about keeping their word. They back up their words with action because they

know that if you do not follow up your promises or statements with the specified actions or behaviors, people will begin to doubt what you say.

Words can bond people in close relationships or rip them apart. Assertive communicators realize their power and use it carefully. Poorly or angrily chosen words, once spoken, have an impact that can never be taken back. Thoughtless words can get back to the person they're about, wounding him/her deeply, making him/her feel surrounded by false friends. When you are speaking about another person, consider the following: Would that person be wounded by your words if they were repeated by someone else out of context, without you around to defend yourself? Even after an apology, there is some residue of hurt or anger from wounding words.

Positive intention; high expectations and giving the benefit of the doubt

Assertive communicators are compassionate and nonjudgmental. They realize they cannot know all the experiences that made the difficult person what he or she is today. Instead of judging or blaming the difficult person, the assertive communicator is sensitive to the needs of the difficult individual and treats him or her compassionately.

Assertive communicators know that much of our ability to know and get along with others is dependent on healthy self-esteem. We all travel with an Achilles' heel, some weakness or sensitivity that is particularly acute to us. Sometimes what we react to in others are the weaknesses we identify in ourselves. Difficult situations can be emotional and confusing. Unless you specifically state your good intent, there is a possibility that your words and behavior will be misunderstood or misinterpreted. Showing your positive intent through words and actions can be like knowing the magic words to make the situation easier.

In this important dimension of assertive communication, the speaker identifies a positive intention behind the difficult behavior and treats the difficult person with a positive, charitable manner. This means acknowledging that the difficult individual does not mean to be difficult; that he or she is operating out of goodwill and toward positive objectives.

Difficult people may feel victimized by the world around them – that no one is on their side and everyone is against them. Showing your positive intent is showing the caring emotions that are the context for what you are saying. Showing your positive intention lets the difficult person know where, emotionally, you are coming from. When you state your positive intent toward the person, you give them positive feedback; the individual may expect to hear accusatory language and instead hears concern and interest.

Stating positive intentions can be as simple as learning to say, "I'm sorry that you're having a problem. How can I help?" Expressing concern immediately reduces anxiety and conflict and increases goodwill. The difficult person feels you are not against him or her. Holding these thoughts about the difficult person will influence the way you speak and act to the person, avoiding an accusatory language or tone. In stating or confirming that you understand the difficult person has good intentions, you develop a bond of goodwill.

Giving someone the benefit of the doubt is one of the most powerful tools for bringing out the best in people at their worst. People both rise and fall to the level of others' expectations. Once someone has a negative opinion of you, do you believe it is impossible to redeem yourself in their eyes? When a difficult person behaves in a difficult way, you may be tempted to think, "That's why everyone has a problem with you." It is easy to let your preconceived notions about the difficult person allow you to assume that a behavior is rooted in negative intention. But even behavior that appears negative can come from good intent.

We tend to associate difficult people with negative feelings and reactions. We can reinforce those notions about them, or we can assume the best, even if it is wrong. Assuming the best has a positive effect on difficult people. Instead of criticizing the person or telling them why he or she is wrong (making the person defensive), you minimize his/her apprehensive, protective defense mechanisms. As the person learns to disassociate you with negative words and actions, he or she will stop seeing you as the enemy, and be more receptive to what you say.

Difficult people want to be heard and understood

Most people want two things from a verbal interaction. They want to know that they have been heard, and they want to know that what has been heard has been understood. Arguments often erupt in a situation where two or more people are trying to be heard and understood at the same time. For effective communication to result, one person must be the listener, open to hearing and understanding what is said.

Feelings of anger associated with the difficult situation are commonly the combination of two things: the original reason for unhappiness or distress, and the associated frustration and feelings of helplessness because no one is listening to, understanding or helping you solve the problem. Listening to what the person has to say has an immediate diffusing effect on hostility by addressing one of the sources of anger. In fact, a kind, understanding word is sometimes all that is needed to cool emotional overreactions and promote good will.

Difficult people often feel their good intentions are being misunderstood, that they are not being heard and understood. Learning good listening skills and behavior, asking important questions and

providing appropriate feedback ensures that the difficult person feels heard and understood. In fact, by listening attentively, you can even prevent difficult people from becoming difficult, as taking the time to listen increases feelings of cooperation and understanding.

Understanding is both an emotional and intellectual process. In a difficult situation, you must convince the difficult individual that you are understanding on both levels. We do this by our appearance and behavior, the questions we ask and feedback we give. Most people focus on the way you say things as much or more than what you say. Your intentions are not nearly as relevant as your behavior. Both should have the same message.

When someone is venting their frustrations or complaining, demonstrate that you are paying attention to their emotions and words. Pay attention to nonverbal signs of communication and seek clarification if you suspect that you and the other person aren't "on the same page." Fatigue, disability, language difficulties and cultural issues are some of the many factors that complicate communication

between two people. Some people have an initial period of difficulty speaking their mind; they may feel rude, awkward or not want to express disagreement with you. As you grow more familiar with

Listening skills

Assertive communication requires good listening skills. Assertive communicators listen carefully, responding with sympathy and targeted questions that get at the heart of the issue. They pay close attention to what the individual is saying instead of wandering off on their own thoughts or thinking ahead to how they will respond. Active listeners have an open mind and are able to consider other people's points of view.

Being a good listener means that you:

- Don't tune out.
- Don't interrupt.
- Are open-minded – don't already have your mind made up.
- Maintain good listening behavior (like eye contact – don't look down or around room).
- Ask questions to clarify and provide feedback.

Do you tune out? Sometimes we don't hear what people say because we are bored or preoccupied; the mind wanders off on its own little journey, thinking its own thoughts. While the person is speaking, we are contemplating many things, including what we will say when it is time to respond. You may have poor listening skills in general or just the tendency to tune out the difficult person because you associate him/her with something unpleasant.

Do you interrupt? Interrupting individuals before they are finished speaking should be discouraged. Try not to rush the difficult person, read his or her mind, or anticipate what he or she is about to say. Let them make their statement at their own pace. Do not try to hurry the discussion along or solve the problem before you've heard all the pertinent details.

In some cases, listening may not be a useful use of your time. Difficult people who complain constantly sometimes try to draw others into their drama. In this case, keep the interaction as short as possible. For difficult people who talk a great deal and listen too little, you may have to interrupt to be heard at all.

If someone raises his/her voice to you, will not let others speak or complains without end, it may be necessary to kindly but firmly interrupt the individual and redirect the conversation. The interruption must be unemotional, without anger or blame. Speak respectfully to the individual, using his or her name to get their attention, for example, "Excuse me, John." Aggressive people are likely to raise their voices in an effort to speak over you, escalating the conflict. Continue to politely repeat this until the difficult person finally stops speaking and turns his/her attention to you.

Do you listen with an open mind? Some people are not willing to entertain the prospect of changing their opinion, no matter what they hear. Do you consider what the difficult person is saying without predisposition or bias?

Do you show good listening behavior? Are your tone of voice and body language saying the same things as your words? Are you making eye contact and nodding or commenting to show your interest? Do your questions further understanding of the difficulty? How do you look and act? Are you tapping your foot, or are your eyes darting around the room? Are you thinking about how you're going to respond to the individual? Not only your words but your body language and manner of speaking (volume and tone of your voice) should convey interest and concern.

Do you ask the right questions and provide appropriate and supportive feedback? Do you use the principles of active listening, paraphrasing

one another, your interactions will likely become more natural and comfortable.

and asking questions when you need clarification and to show you are interested and listening to what is being said?

At some point, the individual may stop talking or start to repeat what he/she has already said. At that point you provide feedback, consisting of a statement of positive intent, then feedback or clarification of what they just said. If you think you understand what the person said, briefly summarize what you heard using some of the same terms the difficult person used. By using the same words they used, you convey that you have been listening intently and understood the meaning they intended. Do not replay the whole conversation, simply the main points. Note any statements in which the difficult individual mentioned his or her feelings as much as you emphasize what happened in the sequence of events.

Finding a solution to a problem often requires learning more information or different information than the difficult person is giving you. Clear up confusion with specific questions that will help you understand the difficulty. Asking questions also communicates to the difficult person that you are interested in finding a solution for the problem. Clarification (questions) should be phrased in an even-handed, unemotional tone. Avoid sounding accusatory or phrasing questions in a blaming way.

Difficult people may speak in vague generalities or provide little of substance in what they say. Ask succinct questions that clarify the factual details until you and others begin to have an understanding of the difficult situation and why the difficult person feels the way he/she does. There are usually rational reasons at the root of every action or behavior. Ask questions until you understand the motivation behind the difficult behavior.

Most clarification questions begin with "who," "what," "where," "when" and "how." Use them to fill in any information gaps left by the speaker. Asking questions that fill in the blanks helps the difficult person pull himself out of the difficult situation and also makes him feel his difficult situation is being addressed seriously and respectfully.

Your focus in asking questions should be:

- To clarify the meaning of the situation for the difficult person.
- To clarify their intention in regard to the interaction.
- To clarify the criteria for a solution or way to ease their distress.

Asking the difficult person to explain his or her reasoning can be very useful. Ask the difficult person what rationale or criteria are leading him/her to the problematic conclusion or decision. After learning these criteria, summarize them to the person and confirm that these are the reasons or rationale behind their position. If you sense defensiveness, acknowledge good intent and confirm that you understand what they are trying to accomplish.

After clarifying any questions you have about the difficult situation, summarize what you've heard, answering these questions:

- What is the problem?
- Who is involved?
- When did it happen?
- Where did it happen?
- How did it happen?

By doing this, you demonstrate to the listener that you are working to understand his point, and you provide the individual with the opportunity to fill in any gaps, if either you or the other person missed an important detail. When you are done summarizing, ask the individual if you understand him correctly. And confirm that you understand.

Endnotes

1. http://en.wikipedia.org/wiki/Fight-or-flight_response
2. Sangha at Clouds in Water Zen Center. See <http://www.cloudsinwater.org/GuidelinesForCommunication.htm>
3. Adapted from Assertiveness Inventory Scale; Authors: K. Daniel O'Leary and Alison D. Curley; see <http://www.psychology.sunysb.edu/marital-/downloads/aggression.htm>

Bibliography

- Brinkman, Rick and Rick Kirschner, Dealing with People You Can't Stand, McGraw-Hill, Inc., 2002.
- Cava, Roberta, Dealing with Difficult People, Firefly Books, 2004.
- Crowe, Sandra A., Since Strangling Isn't an Option, A Perigee Book, Berkeley Publishing Group (a division of Penguin Putnam Inc.), New York, 1999.
- Losoncy, Lew, Salon Psychology, Matrix University Press, 1988.
- Toropov, Brandon, Complete Idiot's Guide to Getting Along with Difficult People, Alpha Books, Macmillan General Reference, A Simon & Schuster Macmillan Company, New York.

DEALING WITH DIFFICULT PEOPLE AND SITUATIONS

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

31. Tension or stress may manifest itself over time in physical symptoms, such as stomachaches or headaches, and stress-related behavior, including impatience, anger, sadness and overreaction.
☐ True ☐ False
32. The "acute stress response" is an evolutionary reaction to threatening situations.
☐ True ☐ False
33. Blame is the best way to resolve a difficult situation.
☐ True ☐ False
34. Learning to depersonalize communication and behavior means the realization that, in most cases, the difficulties you encounter are all about you.
☐ True ☐ False
35. Negative behaviors or responses often come from our own feelings of insecurity.
☐ True ☐ False
36. Assertiveness refers to the spectrum or range of behavior between passivity at one end and aggression at the other.
☐ True ☐ False
37. Passive thinking focuses on meeting one's own needs at the expense of others.
☐ True ☐ False
38. Aggressive people may have had backgrounds in which domineering behavior was encouraged or rewarded.
☐ True ☐ False
39. Indirect passive manipulators may use subtle or devious means to get their way, including sabotage, sarcasm, "playing the martyr" or the "silent treatment."
☐ True ☐ False
40. Assertive communicators are less likely to express care or concern for another person, to compliment or commend him or her, in the midst of a difficult situation.
☐ True ☐ False



Chapter 5: Grief and the Role of the Funeral Professional

3 CE Hours

By: Sueann Faith Schwille, MSW

Learning objectives

- ♦ Gain a general understanding of grief and bereavement.
- ♦ List the five stages of grief.
- ♦ Describe special aspects regarding relationship to the deceased.
- ♦ List resources and roles the funeral professional can provide.

Introduction

Grief is one of the few aspects of the human condition that is universal.

Not everyone will marry. That symbiotic relationship of a lifetime of pulling together is not something all people experience.

Not everyone will or is inclined to experience the joys, trials and tribulations of raising a child. Seeing one's offspring grow, mature and become independent is not a universal experience.

Even the bond with a pet is not something every person will enjoy. The unconditional love evident in the wagging of a tail or a long, low purr will elude some.

But given enough time on the planet, grief will find everyone – often when they least expect it and are least prepared for it.

The words grief and bereavement are part of the common vocabulary of anyone working in the funeral service field. As professionals within that industry, funeral directors often strive to keep involvement with the emotional side of the death of others at arm's length, perhaps unconsciously as a way to avoid thoughts of their own mortality.

Accepting that we do indeed come to a terminal end as an individual is rarely the issue; however, the daily realization of the significance of that loss and how lives are affected might well create an even higher burnout rate in the profession.

The many types of loss resulting from its finality complicate death itself. Loss of a significant other means not only loss of a meaningful attachment, but also may mean the losses of a social network, financial

means, a history, a life role and a dream for the future. The sting of death is no less painful to an individual in older adulthood than to a youth facing the larger portion of his or her life ahead. In fact, losing someone from an already declining network of friends can mean the next step closer to complete isolation and possibly serious depression resulting from complicated grief (Schlosnagle and Strough, 2008).

The loss is magnified even further when it is that of a life mate, quite possibly eliminating the last person of intimate connection to the individual. Losing such a relationship erases the ultimate role in life of “caregiver” for the widow or widower (Kalish, 1985).

Feelings of vulnerability are high, and self-esteem is pushed aside as a significant life role is unexpectedly gone. This ending can, without adequate support, open a gap that is lined with an emptiness that can seem impossible to fill. Suddenly there is no reason to go on when you are at what society tends to project as the end of your usefulness as well.

Thus, you have a perfect medium in which to grow complicated grief. In no population is this more consequential than with those who are elderly. As the population of those who are older increases, it is important to recognize the specific needs of those who are grieving.

Understanding the stages of grief, its various faces, what goes into it and what comes out of it, is the most important step in a funeral professional's journey toward being able to help mourners. The funeral professional who understands the process and is willing to help with it will not lack for opportunities.

The five stages of grief

Any discussion of grief, death or dying begins with Elisabeth Kubler-Ross.

Born Swiss, Dr. Kubler-Ross moved to the United States in 1958 where the psychiatrist became a pioneer in near-death studies. She worked with people suffering from terminal illness and from that study came her book “On Death and Dying” in 1969. That's where she first posited what has become known as the Kubler-Ross model.

Originally known as “A Model on Coping and Dying” (Kubler-Ross, 1969), a theory about how people deal with terminal illness, it has become the accepted model for grief as well, and is widely known as the Five Stages of Grief.

Those stages, as put forth in her book, are:

1. **Denial** – Denial is most often the first of the stages to be experienced because of the dramatic physical and emotional void felt when people lose someone close to them.
 - It is generally defined as a refusal to accept details or evidence regarding reality as true or real. Denial is a very natural response to coping with anything uncomfortable for human beings. The subject of death tends to be at the top of many people's list of things we like to avoid.
 - We in Western society deny death most readily by refusing to discuss it publicly or privately. Death is the single most individualistic experience that we each must face, with little more than our imaginations illustrating the result. It puts us each in touch with the reality of our living existence and our end in death.
 - Confronting the fact that death is inevitable for those we love is a significant hurdle to the ultimate acceptance of our own mortality. Denial is often used as a means to deal with the flood of the initial emotions associated with any consequential loss. It is a way to manage feelings of shock, anxiety and overall distress. It is a quick fix to control the initial impact of the news.
 - This is especially true and useful when the death is of a tragic nature and perhaps leaves the family with little proof of the finality of the incident. In this case, hope fuels denial, allowing optimism to dictate when or whether the death will be

- accepted. The first reaction to learning of the death of a loved one is shock and the belief that it simply cannot be true.
- The reaction is, “this is not really happening.” In its original form, the model described denial as the dying person ignoring the facts of his illness, declaring that he can’t be sick, he feels fine, and this is not happening. In a person grieving a loss, it has come to signify a temporary defense to ward off the initial shock a person feels upon death of a loved one.
2. **Anger** – As denial begins to wear off as a defense mechanism, survivors of a loss often aren’t yet ready to accept it, so anger can take over at some point.
 - The anger may be aimed at inanimate objects, strangers, friends or family. Anger may be directed at the deceased loved one. On a visceral, emotional level, survivors may resent the person for leaving. But then rational thought kicks in and makes them feel guilty for being angry, which only elevates the anger.
 - A grieving person feels rage over the perceived lack of fairness in the death. Often the grieving person looks for somebody to blame. Anger also provides a safety valve, allowing a release for the buildup of frustration and helplessness.
 3. **Bargaining** – Originally a concept of the terminally ill person trying to make a bargain with God, that he will live a better life if allowed to survive, this is when grieving survivors reach out to whatever force they perceive to be in charge of the universe to make the pain go away.
 - It is considered a sign that they are beginning to comprehend what has happened. People will often try to make a deal or promise to do anything if the pain will be taken away. Bargaining is often associated with grief in individuals who are themselves facing imminent death.
 4. **Depression** – Depression is most readily defined as a state of persistent feelings of bleakness, unhappiness, poor concentration, lack of energy, inability to sleep and possibly thoughts of suicide. The act of grieving is often synonymous with and includes symptoms of depression that may be drastically different among individuals.
 - Feelings of sadness, numbness, fear, regret and anxiety are common. Physical symptoms, including fatigue, muscle pain, insomnia and lack of appetite, are often ignored as signs of active bereavement. Realization of the loss of an emotional attachment and redefining the relationship is a significant factor in working through depression for the bereaved individual.
 - Two types of depression are associated with mourning. The first is a reaction to practical issues relating to the loss. With the first, sadness and regret dominate. Survivors may worry about the costs of burial and be unsure what to do. They’re not sure what procedures are involved in cleaning up the affairs of the deceased. They worry that in their grief, they’ve spent less time with other friends and family. This phase may be eased by helpful cooperation and a few kind words.
 5. **Acceptance** – This final stage is simply when a grieving person has said her goodbyes, is ready to let go of the loved one and to move on with life. Not everyone reaches this stage.
 - Because it is the final stage of letting go, it’s not necessarily a period of happiness and can often be marked by a calm, somewhat subdued demeanor, but is distinct from depression. This stage is sometimes misinterpreted as coming to the decision that everything is fine as it is, or that we learn to live with the situation.
 - It is the individual who realizes that there is no replacement for the missing loved one and that life cannot be as it was. Only after that can the individual once again engage actively in daily life and ultimately plan for a future without the deceased.
 - For those who are unable to move into the natural result of acceptance within a reasonable amount of time given their individual circumstance, bereavement may have advanced to complicated grief, which will be addressed later in this course.

Kübler-Ross wrote that these stages are not necessarily complete or chronological. Her theory also holds that not everyone feels all five of the responses, nor will each person experience them in any particular order. The theory is that reactions to illness, death and loss areas unique as the person experiencing them. Some people may get stuck in one stage.

Kübler-Ross originally applied these stages to people suffering from terminal illness. She later expanded the model to any form of catastrophic personal loss, including death of a loved one.

Although Kübler-Ross said the stages do not necessarily come in order, nor does a person experience all of them, she said a person will always experience at least two of the stages. Often, people will switch between two or more stages, returning to one or more several times before working through it. Women are more likely than men to experience all five stages (Santrock, J.W., 2007).

Parental grief

It is generally accepted that the grief of bereaved parents is the most intense grief known.

When a child dies, parents feel that a part of them has died. Parents are not supposed to outlast their children. That’s an accepted part of the bargain when couples start a family, and when that bargain is broken, a fundamental belief rocks them to their core. Children are our future, and when a child dies, so does that future.

The grief caused by their child’s death is not only painful but can manifest as disorientation in an otherwise capable adult. Often a parent has no idea how to proceed. This is territory not only untraveled, but unimaginable.

These parents are forced to confront an extremely painful and stressful situation; they are faced with having to deal with not only the grief caused by their child’s death, but with their inherent need to continue to live their own lives as fully as possible. Thus, bereaved parents must deal with the contradiction of wanting to be free of this overwhelming pain and yet needing it as a reminder of the child who died.

When a spouse dies, a wife becomes a widow. She immediately receives a new identity of sorts. But in their minds, bereaved parents continue to be parents of the child who died. They will always feel the

empty place in their hearts caused by the child’s death; they were, and always will be, a father or mother. Yet memories are all they have, and many bereaved parents come to learn that “memories are the precious gifts of the heart ... [that they need] these memories and whispers, to help create a sense of inner peace, a closeness” (Wisconsin Perspectives Newsletter, Spring 1989, 1).

Sociologists and psychologists describe parental grief as complex and multilayered and agree that the death of a child is an incredibly traumatic event that leaves parents with overwhelming emotional needs. They also agree that this grief must be acknowledged and given expression. These experts repeatedly state that dealing with parental grief involves deep pain and ongoing work as the parents attempt to continue their “journey down the lonely road of grief” (Wisconsin Perspectives Newsletter, February 1997, 1).

Many parents stumble, fall or get lost along that road. In the disorientation that accompanies parental grief, they simply don’t know how to cope with the unimaginable.

Two such parents were Baltimore residents Anne McCracken and Mary Sewell. McCracken, a former journalist, and Sewell, a clinical

social worker, struggled with the grief of losing their children until they discovered solace in the writings of some of the great wordsmiths in history.

From that discovery came their book, “A Broken Heart Still Beats,” a compendium of literary works and excerpts that helped them come to grips with their personal feelings.

In their Introduction, McCracken and Sewell wrote that they tried self-help books and memoirs of other grieving parents, “with no real solace, then turned to literature to read how wordsmiths dealt with the loss of a child.”

They tried grief anthologies, collections of true stories, but “They were not for the specific canyons in which we found ourselves trapped.”

They found mounds of material on the subject from classic writers, poets and contemporary writers as well. “They (authors) reminded us of the magnificence of mankind – though grievously sad, we can still enjoy a sunset.”

One of the single best summations they found of parental grief came from an unlikely source.

Five months after the 1896 death of his daughter Susy at age 24, storyteller and raconteur Mark Twain said, in a single sentence from a letter to his friend, the Rev. Joseph Twitchell:

“I did not know that she could go away and take our lives with her, yet leave our dull bodies behind” (McCracken and Sewell, 2000).

Mourning parents say that their grief is a lifelong process, “a process in which [they] try to take and keep some meaning from the loss and

life without the [child]” (Arnold and Gemma 1983, 57). After a child’s death, a parent’s journey can be frightening and lonely – and last a lifetime. The hope and desire that healing will come eventually is an intense and persistent one for grieving parents.

When children die, the bond doesn’t break. ... [But] the parents face two mutually exclusive facts. The child is gone and not coming back, and the bond is...as powerful a bonding as people have in their abilities. ... [Bereaved parents attempt] to let go, not of the child, but of the pain.

– FINKBEINER 1996, 244, 249

While those outside the relationship see a family with one less member, the family dynamic does not change for grieving parents. To others, a sibling may become an only child; a younger child may become the oldest; the middle child no longer is the middle child. But in the mind of a grieving parent, the birth order of the child who died is fixed permanently. Nothing can change the fact that this child is considered a part of the family forever, and the void also remains forever.

In a newsletter for bereaved parents, one mother wrote, “It feels like a branch from our family tree has been torn off.” Another grieving mother continues, “I felt that way, too. A small branch, one whose presence completed us, had been ripped from our family and left a large wound. Without it, we were lopsided and off balance. When subsequent children are born, [they] do not replace the fallen branch, but create a new limb all their own” (Wisconsin Perspectives Newsletter, December 1996, 1).

Common and individual characteristics of parental grief

Death is an experience that is common to everyone; no one escapes it. When a loved one dies, each person reacts differently. A child’s death, however, is such a wrenching event that all affected by it express sadness and dismay and are painfully shaken. Such a devastating loss exacts an emotional as well as a physical toll on the parents and family.

Bereavement specialists point to the shared experiences of parental grief that may include an overwhelming sense that the pain will last forever, a sense that the grief is etched into one’s very being. They explain that it is also important for these parents to express their anger so it won’t become a destructive force.

But there are also many unique ways that bereaved parents express their grief. These responses are influenced by factors such as the person’s life experiences, coping skills, personality, age, gender, family and cultural background, support and belief systems, and even the type of death that occurred.

Parental grief is boundless. It touches every aspect of the parent’s being. ...The range of expression of parental grief is wide. ...Some parents will express tears and hysteria openly. Others will silence these expressions and grieve inwardly. ...Despite the volumes of work on grief, the experience of grief seems to defy description. ... Definitions touch the fringes of grief but do not embrace its totality or reach its core. ...Grief is a complicated, evolving human process. Grief is a binding experience; its universality binds sufferers together. More is shared than is different.

–ARNOLD AND GEMMA, 1991, 50-52, 55

As part of the grieving process, bereaved parents experience a roller coaster of emotions. For these parents, a personal history includes a past with the child and a present and future without her. For most grieving parents, it is vitally important to verbalize the pain, to talk about what happened, to ask questions and think out loud, sometimes over and over.

Each does this in his or her own way. Grieving parents are survivors, and each survivor travels the road according to his or her own map. Parents often respond differently, learn to live with their grief

separately and express their sadness uniquely. Grieving parents often feel alone, disconnected and alienated. They need to know that there are many ways to grieve; there is no timetable for grief’s duration; there are no rules, boundaries or protocols.

When you accept what has happened, you aren’t acknowledging that it is okay but rather, that you know you must find a way to keep growing and living – even if you don’t feel like it. ...[Don’t let] grief be your constant companion. ...Realize that your grief is born out of unconditional love for your child and rejoice in that love which will never end. ... Embracing life again is not a sign that you have stopped missing your baby, but an example of a love that is eternal.

– WISCONSIN PERSPECTIVES
NEWSLETTER, SPRING 1989, 3

Those who seek to comfort grieving parents must recognize and understand the complexities of the parents’ emotions and avoid relying on preconceived ideas about the way a couple is supposed to grieve if their child dies. Reactions of grieving parents may seem excessively intense, self-absorbed, contradictory, or even puzzling. For bereaved parents, the death of a child is such an overwhelming event that their responses may often be baffling not only to others, but to themselves as well.

Fathers – The forgotten grievers

The death of a child is probably the most traumatic and devastating experience a couple can face. Although both mothers and fathers grieve deeply when such a tragedy occurs, they grieve differently, and it is important that each partner allow the other to grieve as needed.

Bereaved parents learn to live with the memories, the lost hopes, the shattered dreams. [They] never “get over” the death, but [they] do recover, adjust and learn to live with [the] pain.
– DONNELLY 1982, X

Parental grief is strongly influenced by the nature of the bond between child and parent. Patterns of grieving in mothers and fathers vary widely, and parents suffering the same loss will encounter differences in the timing and intensity of grief based on differences in the nature of the bond.

For the mother, the bond is usually more immediate and demonstrable, more intense at the beginning of life, more emotionally and physically intimate. The mother bonds more with the baby from the moment of conception and continues through the pregnancy, the birth, and the nursing process.

The maternal bond involves the present and the baby's immediate needs, while the father's bond with the baby more often concerns the future and dreams and expectations. Today, however, many fathers are forging earlier and more intense prenatal bonds with their babies. Fathers also are often present in the delivery room for the birth. Some fathers become direct caregivers of the newborn, developing early and close bonds with their infants.

Yet, in many cases, the father's emotional investment in parenting tends to occur later and less intensely than the mother's. Though the mother's relationship is based upon the more immediate needs of the child, a father's is often vested in the future.

Anne Morrow Lindbergh knew this well. In her writings after the infamous kidnapping and murder of her son, she showed remarkable insight into the grief of her famous husband, Charles, whom she referred to as simply C.

In “Hour of Gold, Hour of Lead: The Diaries of Anne Morrow Lindbergh,” she wrote:

“C’s grief is different from mine and, perhaps, more fundamental, as it is not based on the small physical remembrances. There is something very deep in a man’s feeling for his son, it reaches further into the future. My grief is for the small intimate everyday person” (McCracken and Sewell, 2000).

Fathers are expected to be strong for their partners, to be the “rock” in the family. All too often fathers are the ones expected to attend to the practical but not the emotional aspects surrounding the death; they are expected to be the ones who should not cry, the ones who will not and should not fall apart. Men are often asked how their wives are doing, but not asked how they are doing.

This places an unequal burden on the father, who is expected to delay grief or not experience it at all. His need to grieve will surface eventually if it is not expressed. It is not unusual for grieving fathers to feel overwhelmed, ignored, isolated and abandoned as they try to continue to be caregivers and breadwinners for their families while their hearts are breaking. “Fathers’ feelings [often] stay hidden under layers of responsibility and grim determination” (Staudacher 1991, 124).

Bereaved fathers often say that such strong emotions are very difficult to contain after their child's death. Fathers often fear that they will erupt like volcanoes if they allow themselves to release these feelings, and so, too often, fathers try to bury their pain.

It is important that anyone who will do so listen to a father's expressions of grief. For their own peace of mind (and those who care about them), fathers need to move away from the mindset of being the strong one and instead be allowed to grieve.

In too many instances, fathers’ responses to infant loss tend to coincide with how they believe they should act as men, rather than how they need to act to confront and resolve [their own] grief.

– CORDELL AND THOMAS 1990, 75

The impact of grief in special parenting situations

The death of a child brings profound pain to all affected, and it presents incredibly difficult and unusual problems for grieving parents. For some parents, the effects of such a complicated and devastating tragedy can be compounded when the death occurs in what are already trying family situations.

Some parents have no established circle of friends or safety net to turn to. Some refuse the typical support network for reasons too personal to fathom.

A child's death may present unique dilemmas for:

- Single parents who are often self-supporting and may be more isolated and ignored.
- Unmarried parents who may already have experienced the disfavor of family and others.
- Teenage parents whose grief is often not validated because of their situation or their youth.
- Parents in stressful financial situations whose struggle to satisfy their most basic needs may cause them to stifle or ignore their need to grieve and for whom loss is a constantly repeated theme.
- Divorced parents and parents in blended or nontraditional families who may require unique responses or resources.
- Stepparents whose grief may not be understood or appreciated.

- Adoptive parents who may be expected to grieve less than birth parents because their bond with the child is perceived to be less intense.
- Foster parents who are not thought to have the same right to grieve as birth parents.
- Parents who experience the death of the only child they may ever have and who also grieve for the loss of their parenting role.
- Parents who are removed or estranged from typical and traditional support systems.
- Parents whose language, cultural traditions or beliefs are largely unrecognized or misunderstood by society.
- Parents with substance abuse problems whose child may have faced medical or developmental problems and who often must deal with guilt and other complex and overwhelming problems when a child dies.

When a child dies, inevitably there will be additional factors that will impinge on the parent's grief experience. Some of these will be negative ... [and] sometimes, these factors will be positive.

– RANDO 1986, 31

All those groups, as well as parents in many other situations, may find their grief unusually complicated. They may find others less concerned about them than traditional family circles and discover that support networks are less readily available.

These parents may not receive the same validation as parents in traditional families, and the needs and wishes of parents in these unique and complex situations may sometimes be ignored or misunderstood.

Parental experiences, coping strategies and cultural differences vary widely. At the same time, these parents may not need, rely on or have the same access to peer or other support groups.

Obtaining transportation or babysitters so they can attend meetings may be next to impossible for some parents. Still others may reject such support networks and depend solely on family, neighborhood or church networks as the best support system for them. Parental bereavement support groups are not for everyone.

All find themselves in special situations affecting their personal grief experience, how others react to their grief, and the type of support or

intervention needed to help them resolve their grief. However, these parents are the fathers and mothers of the child who died; they are the ones who have nurtured, cared for and loved that child.

The sense of absolute emptiness, the lack of wholeness, and the feeling that they are less of a person than they were before the child's death are felt by all parents, regardless of marital status; age; language; financial or social circumstances; biological relation to the child; or cultural, racial or religious background.

There is no relationship like that of parent and child. It is unique and special. ...The bond between parent and child is so powerful that its strength endures time, distance and strife. No loss is as significant as the loss of a child. ...On the death of a child, a parent feels less than whole.

— ARNOLD AND GEMMA 1994, 25-27

From one grieving parent to another

You will always grieve to some extent for your lost child. You will always remember your baby and wish beyond wishes that you could smell her smell or hold his weight in your arms. But as time goes on, this wishing will no longer deplete you of the will to live your own life.

— HORCHLER AND MORRIS 1994, 158

Parental grief is overwhelming. Nothing prepares a parent for its enormity or devastation. It never ends but only changes in intensity and manner of expression, affecting the head, the heart and the spirit.

For parents, the death of a child means coming to terms with emptiness and deep emotional hurt that they cannot even express. Immediately after the death, some parents may even find it impossible to express grief at all as they experience a period of shock and numbness.

All newly bereaved parents must find ways to get through their grief to go on with their lives. Parental bereavement often brings with it a sense of despair, a sense that life is not worth living, a sense of disorder and confusion.

At times, the members of a parent's support group may see the pain as so severe, the energy and desire to live so lacking, that they fear for the parent's well-being. Some bereaved parents feel that it is not right for them to live when their child has died. Others feel that they have failed at parenting and somehow they should have found a way to keep the child from dying. Grieving parents often have to adopt what one parent called a "new world view" (Wisconsin Perspectives Newsletter, December 1996, 7).

Grieving parents should be encouraged to be compassionate, gentle and patient with themselves and each other. Grief is an emotionally devastating experience; grief is work and demands patience, understanding, effort and energy. Parental grief often involves an array of conflicting emotions and responses, including shock and numbness, intense sadness and pain, depression, and often feelings of total confusion and disorganization.

Sometimes, parents may not even seem sure of who they are and may feel as if they have lost an integral part of their very being. At other times, parents may feel that they are living a nightmare.

Typical parental reactions often involve emotional and physical symptoms, such as inability to sleep or a desire to sleep all the time, mood swings, exhaustion, extreme anxiety, headaches or the inability to concentrate. Grieving parents experience emotional and physical peaks and valleys.

They may think life finally seems on an even keel and that they are learning to cope, when suddenly, periods of intense sadness overwhelm them, perhaps with even more force.

A child's death can often affect not only personal health but sometimes the marriage, the entire family unit, other relationships, and even

plans and goals for the future. Grieving parents need to know how important it is to express their pain to someone who will understand and acknowledge what they are feeling and saying.

They should be encouraged to be honest with themselves and others about how they feel. These parents should allow themselves to cry, be angry and complain. They need to admit they are overwhelmed, distracted and unable to focus or concentrate. They may even need to admit to themselves and others that they might show physical or emotional symptoms that they don't want or can't even understand.

When are you ready to live again? There is no list of events or anniversaries to check off. In fact, you are likely to begin living again before you realize you are doing it. You may catch yourself laughing. You may pick up a book for recreational reading again. You may start playing lighter, happier music. When you do make these steps toward living again, you are likely to feel guilty at first. 'What right have I, you may ask yourself, to be happy when my child is dead?' And yet something inside feels as though you are being nudged in this positive direction. You may even have the sense that this nudge is from your child, or at least a feeling that your child approves of it.

— HORCHLER AND MORRIS 1994, 158

Each bereaved parent must be allowed to mourn in his or her own way and time frame. Each person's grief is unique, even that of family members facing the same loss. Bereaved parents shouldn't expect or try to follow the same path as other family members, although support of – and sometimes participation in – their grief is important.

Bereaved parents need to know that others may minimize or misunderstand their grief. Many don't understand the power, depth, intensity or duration of parental grief, especially after the death of a very young child.

In some instances, people unable to deal with the loss themselves may even ignore bereaved parents. They find the thought of a child's death too hard, too inexplicable or too threatening. Many simply don't know what to say or do and so don't say or do anything.

Most grieving parents experience great pain and distress deciding what to do with their child's belongings. Parents need to understand that this task will be most difficult and that different parents make different decisions. They should be encouraged to hold onto any experiences, memories or mementoes and find ways to keep and treasure them. These memories and mementoes—their legacy from the short time they shared – will be affirming and restorative in the future.

Parents will need to know about the special anguish they'll feel on certain occasions. Birthdays, holidays or the anniversary of the child's death can bring the entire spectrum of emotions all over again. Parents may need help finding ways to cope with these events. Again, the pattern of grief is a personal one and they should be encouraged to do what feels right for them, not what others think they should do.

Many bereaved parents find solace in their religion. Not only will these religious beliefs significantly alter the meaning that the parents give to life, death and life after death, they will also affect their grief response. Grieving parents with a religious background should be encouraged to express these beliefs if it seems to help.

Even if they are not members of a formal religious group, parents may still hold a personal faith or belief that is a part of their lives and that gives them comfort. They, too, should be encouraged to express these feelings. Seeking spiritual comfort in a time of grief does not mean repressing the grief.

“She’s in a better place” is often what people say to a grieving parent, but that may not be of any solace, even if the parent’s personal beliefs support that.

Bereaved parents will recover and reach a place of rest and hope. ... [They] will never forget [their child], but rather will find ways to keep [the child] a cherished part of [their] inner selves forever.
– HORCHLER AND MORRIS 1994, XIX

Many grieving parents also find comfort in rituals. Funerals or memorial services have served many parents as beautiful and meaningful ways of saying goodbye, providing a sense of closure after the child’s death.

For others, sending announcement cards about the child’s death, writing poems, keeping journals or writing down personal reflections or prayers, even volunteering with a parental bereavement group become ways to remember and honor the child who died.

Honoring the memory of the child who has passed is an important issue for the parents. Many set up memorials, perhaps an annual fundraiser event for a disease that claimed the child, a support group for survivors, or simply a spray of flowers at the site of a car accident. These memorials are cathartic for a parent.

This need often can drive their lives in a completely different direction, and on occasion this can lead to incredible societal benefit.

In May of 1980 13-year-old Cari Lightner was killed by a hit-and-run driver while walking to a church carnival. Thrown 125 feet, Cari never knew what killed her.

It was later determined the driver was drunk when he hit Cari. After being stymied by the DMV, judges and other government agencies, Cari’s mother, Candy Lightner, made a tearful promise to her daughter while standing in Cari’s bedroom that her death would not be in vain.

That bedroom, still decorated with Cari’s possessions, became the first office of Candy Lightner’s new organization, and on Oct. 1, 1980, Candy Lightner held a news conference on Capitol Hill in Washington, D.C., announcing the formation of Mothers Against Drunk Drivers (<http://www.madd.org/about-us/history/madd25thhistory.pdf>).

Not long after MADD’s formation, 6-year-old Adam Walsh vanished from a department store at the Hollywood Mall in Hollywood, Fla., in July 1981. Sixteen days later, evidence of his grisly murder was found in a drainage ditch more than 120 miles from home.

His parents, John and Reve Walsh turned their grief into action, establishing the Adam Walsh Child Resource Center, which later merged with the National Center for Missing and Exploited Children.

But they were not through. Their efforts helped lead to two pieces of federal legislation, the Missing Children Act of 1982 and the Missing Children Assistance Act of 1984. Then they appeared on television at the tail end of a made-for-TV movie to broadcast photos of other missing children.

By 1988, John Walsh was known to America as the host of “America’s Most Wanted,” which aired for 13 years and claims to have contributed to the capture of more than 1,000 fugitives during that run.

In December of 1984, 11 days after his 13th birthday, Ryan White was diagnosed with AIDS. In 1984, America did not yet fully understand the disease, and when White, a hemophiliac who contracted the virus from a blood transfusion, attempted to return to school, he was denied.

Because the disease was not well understood at the time, Ryan’s fight against both the disease and public perception captured the attention of the country. His was the case that brought AIDS to the forefront of American consciousness, and when he died 5 ½ years later, the influence of his case exploded.

His mother formed the Ryan White Foundation, which spearheaded many AIDS awareness efforts until she was forced to close the foundation in 2000 because of flagging donations.

But during those years, her efforts and those of myriad sympathizers helped to organize fundraisers and establish charities to benefit AIDS patients as well as children’s health care in general.

White’s death inspired Elton John to create the Elton John AIDS Foundation. White also became the inspiration for a handful of popular songs. John donated proceeds from “The Last Song” to a Ryan White fund at Riley Hospital. Michael Jackson dedicated the song “Gone Too Soon” to White, as did 1980s pop star Tiffany with the song “Here in My Heart.”

Healing for bereaved parents can begin to occur by acknowledging and sharing their grief. Probably the most important step for parents in their grief journey is to allow themselves to heal. Parents can begin to heal when they come to understand that healing doesn’t mean forgetting. Allowing grief less room in their lives does not mean abandoning the child who died.

In the end, parents must heal themselves. It was their baby; it is their loss; it is their grief. They need to gain closure, to experience release, to look to their new future.
– NICHOLS, IN RANDO (1996, 156)

Bereaved parents feel the need to find ways to keep the memories alive and also find ways to create memories. Memories are all they have left. Bereaved parents often feel the need to establish unique rituals to memorialize the child, and in some cases, others may find this process puzzling.

Grieving parents need to be allowed to set the tone. Parents need validation as they attempt the process of healing, and friends and caregivers are the ones who can help grieving parents express their grief by being a safe place for them, a place where they can be themselves, where they can be confused, where they can express their pain, sadness and even anger.

Most bereaved parents don’t want to be avoided, but they may be hesitant to approach someone for help. Usually, they are grateful for the support. Bereaved parents need to know that the support of family, friends and others will continue after the commotion and busy days immediately following the death and funeral.

One bereaved father said, “The period following the funeral is perhaps the most difficult time for the bereaved...[This is the time that parents must] absorb the magnitude of their loss and begin to integrate it into the rest of their lives” (Bramblett 1991, 39).

This concept was explored further in “My Life,” the autobiography of Isadora Duncan, heralded by many as the creator of modern dance. In 1913, her two children drowned when the car in which they were riding rolled into the Seine River. In her autobiography, Duncan credits Italian actress Eleanora Duse with greatly helping her grieve.

Duncan wrote:

She used to rock me in her arms, consoling my pain, but not only consoling, for she seemed to take my sorrow to her own breast,

and I realized that if I had not been able to bear the society of other people, it was because they all played the comedy of trying to cheer me with forgetfulness. Whereas Eleanor said: "Tell me about Deidre and Patrick," and made me repeat to her all their little sayings and ways, and show her their photos, which she kissed and cried over. She never said, "Cease to grieve," but she grieved with me, and, for the first time since their death, I felt I was not alone" (McCracken/Sewell, 2000).

Bereaved parents need to have extended remembrances of their child for a long while after the event, especially on anniversaries, birthdays, holidays or special events, such as Mother's Day or Father's Day.

How grieving parents attempt to cope with the loss and move on

Bereaved fathers and mothers try to cope with their grief by:

- Admitting to themselves and others that their grief is overwhelming, unpredictable, painful, draining and exhausting.
- Allowing themselves to be angry and acknowledging that they are vulnerable, helpless and feeling disoriented.
- Trying to understand that to grieve is to heal and that integrating grief into their lives is a necessity.
- Acknowledging the need and desire to talk about the child who died as well as the moments and events that will be missed and never experienced with the child.
- Maintaining a belief in the significance of their child's life, no matter how short.
- Creating memorial services and other rituals as ways to commemorate the child's life.
- Deriving support from religious beliefs, a sense of spirituality or a personal faith.
- Expressing feelings in journals, poetry, prayers or other reflective writings or in art, music or other creative activities.
- Trying to be patient and forgiving with themselves and others and refraining from making hasty decisions.
- Volunteering their services to organizations that offer support to bereaved parents.
- Obtaining help from traditional support systems, such as family, friends, professionals or church groups, undergoing professional counseling, joining a parent support group or acquiring information on the type of death that occurred as well as about their own grief.
- Letting go of fear and guilt when the time seems right and the grief seems less.
- Accepting that they are allowed to feel pleasure and continue their lives, knowing their love for their child transcends death.

A parent has probably reached the best level of "normalcy" when he finds himself reveling in a simple moment of life and realizes he can feel joy again, without guilt, even though he can no longer share that joy with his child.

Spousal grief

As devastating as the loss of a child can be, representing the loss of hope, future and legacy, the loss of a spouse is the loss of choice. Understanding the dynamics behind that spousal loss can help the funeral director assist mourners.

When a beloved spouse dies, the surviving spouse loses a chosen partner, the one person he wanted to spend his life with, above all others. Underpinnings are stripped away and the specter of continuing life without her can be overwhelming.

Questions run rampant in the surviving spouse's mind:

- Who will take care of me?
- How will I support myself (if the breadwinner dies)?
- Where do I go from here?
- What needs to be done?

Bereaved parents need to know that their child will be remembered, not just by them but also by family and friends. Hearing others use the child's name is comforting to them.

One anonymous bereaved parent said, "The mention of my child's name may bring tears to my eyes, but it also brings music to my ears."

Grieving keeps memories alive for bereaved parents and retains a place in their families and in their hearts for the dead child. ...[It is] a continuous process with peaks, valleys, and plateaus; it is a complex process that varies with each individual.

– Arnold and Gemma 1994, 28

But in time... nature takes care of it; the waves of pain lose intensity a little and come less frequently. Then friends and relatives say the parents are getting over it, and that time heals all wounds. The parents themselves say that as the pain lessens, they begin to have energy for people and things outside themselves... This is a decision parents say [they] must make to live as well as they can in [their] new world... They can come to be happy, but never as happy. Their perspective on this and everything has changed. Their child's death is the reason for this and is a measure of the depth and breadth of the bond between parent and child" (FINKBEINER, 1996).

William Wordsworth, whose daughter Catherine died in 1812 at age 4, described this moment in his poem "Surprised by Joy."

"Surprised by Joy"

William Wordsworth

Surprised by joy – impatient as the Wind
I turned to share the transport – Oh! With whom
But thee, deep buried in the silent tomb,
That spot which no vicissitude can find?
Love faithful love, recalled thee to my mind –
But how could I forget thee? Through what power,
Even for the least division of an hour,
Have I been so beguiled as to be blind
To my most grievous loss! – That thought's return
Was the worst pang that sorrow ever bore,
Save one, one only, when I stood forlorn,
Knowing my heart's best treasure was no more;
That neither present time, nor years unborn
Could to my sight that heavenly face restore.

A member of the team is gone, and the surviving spouse is often too deep in shock to know how to proceed. The anticipation of learning new skills and assuming new roles can be overwhelming, and even the simplest things can become an ordeal.

Yet, there is also the flip side.

A 2006 article in Contexts, a publication of Rutgers University, argues that if the marriage was unhappy, the surviving spouse was a primary caregiver or weary of watching his or her loved one struggle with a debilitating illness, the loss can be a release, almost a relief (rutgers.edu).

Early research posited theories that are at once counter-intuitive, yet wholly understandable. Sigmund Freud said that surviving spouses of troubled marriages struggled with feelings of both anger and attachment to their late spouses, fueled by the dynamic of the marriage (rutgers.edu). As a result, Freud theorized, the surviving spouse of an

unhappy marriage, although perhaps relieved to be released from the troubled relationship, would have more trouble dealing with his or her grief than one from a happy marriage.

On the other hand, more recent studies show that people with the most close-knit, loving marriages experience the most severe symptoms of sadness and yearning in the first six months after their loss. But these symptoms fade as time passes, and the survivors eventually enjoy memories of their spouses without experiencing pangs of grief (Rutgers.edu).

Although much of the spousal loss that America hears about is of a tragic nature, most of that spousal loss goes unnoticed. News stories and television reports show the losses of soldiers, everyday deaths and the mass tragedies of life.

But as the baby boom generation ages, so does the number of people over 65 who lose their spouses. Sometimes they have led long, full and fruitful lives; sometimes the opposite is true. But one dynamic of this increasing loss by older Americans – it is said that something like three-quarters of Americans who lose a spouse each year are over 65 – (Rutgers.edu) is a factor of the way many of them lived their lives.

The boomers' parents lived by the model that the husband was the main breadwinner and took care of the "manly" chores, such as home repairs and financial issues.

So when a husband of that generation dies, issues such as these complicate the grief process for the wife. Although her emotions may be in charge, she also realizes she's going to have to take on duties she has little experience with.

In his book, "Healing Grief," medium and New York Times best-selling author James Van Praagh laments this aspect of American grief:

In many cultures and traditions around the world, there are healthy outlets to deal with the loss of a partner. Societies recognize the need for emotionally supporting the surviving spouse with rituals and customs that last weeks, even months after the death. In our country, however, losing a spouse almost becomes a cut-and-dried business. A widow or widower has to immediately begin to fill out

form after form, as if she or he were moving shares of stock. There is no real timeout for the spouse to grieve. A person has to tidy up affairs with the bank, the hospital, the doctors, the mortuary and the Social Security office. Everything must be back to business as usual within a few short days of the death. This is hardly the way to help a grieving person cope with his or her sorrow (Van Praagh, Healing Grief, 2000).

In the coming decades, as baby boomers age, the number of older adults who become widowed each year will increase dramatically. And that change in numbers could also signal a change in the dynamic.

Given the sheer numbers of baby boomers – more than 75 million babies born between 1946 and 1964 – millions of older Americans will lose their spouses in the coming decades. Because of a different lifestyle than that of their parents, boomers may not have the same issues as their parents when a spouse dies.

Female boomers are more educated than their mothers, have worked more and have a more promising income potential than the previous generation. They may depend less on their husbands for income, do more of the chores and handle more of the finances than their mothers did. And men are more likely than their fathers to have experience with household tasks and child rearing.

Thus surviving spouses may face fewer practical challenges after their spouses die, as they are more capable of dealing with the day-to-day issues of being left behind. However, adjusting emotionally may become even more difficult.

Past generations often stayed in difficult marriages for cultural or religious reasons, whereas baby boomers have fueled the explosion in the divorce rate. So it stands to reason that with the easy availability and loss of stigma from divorce, those who remain married are likely to have particularly warm and close relationships, and may be the most grief-stricken upon their loss.

And increasingly, divorced boomers remarry in their 50s and older. For these mature newlyweds, the death of a spouse robs them of a second (and perhaps final) chance at happiness.

Complicated grief

The symptoms of complicated grief can be extremely varied and are often difficult to diagnose for even the most seasoned therapist. Many of the signs are overlooked or attributed simply to the effects of aging if the person who is suffering is elderly. Many of the signs of complicated grief are the same as for the typical bereavement response. The various stages of grief may be cycled or skipped through many times until acceptance is reached.

There is no arbitrary amount of time set for processing loss. Continued focus on the loss with intense pining at the constant reminders of the deceased that affects daily routine indicates a person is "fixed" in the depressive stage of grief. Complicated grief is generally defined as the increased length of time symptoms persist and remain unresolved. Most clinical therapists consider the persistence of symptoms beyond six months to be indicative of complicated grief.

The most obvious indication is that where normal grieving usually begins to lessen, complicated grief continues and symptoms increase in number and intensity. Complicated grief can often become so debilitating that it affects normal daily routine to the point of losing employment, ending relationships and sacrificing any sense of joy or peace.

Complicated grief later in life

Complicated grief is considered to be a response to loss that is all-encompassing, extreme in length and without ever arriving at an acceptable level or end (Worden, 1991). Feelings of melancholy, hopelessness, lack of interest in daily activities and physical symptoms –

The inability to find joy in life with extended periods of sadness and feelings of guilt can be indications of potential suicidal thoughts or behavior. Studies have shown long-term complicated grief may in fact increase risk of heart disease, high blood pressure and cancer (Mayo Clinic, 2010).

There are several signs that may help to identify an individual who has moved beyond "normal" grieving into complicated grief. Individually, these symptoms may be insufficient for clinical diagnosis; however, any sign that grief is unresolved should be taken seriously.

If an individual appears to be experiencing fresh and intense emotional reactions when speaking of the deceased after a year or more, there is a significant possibility that the person is dealing with unresolved grief. Overwhelming sadness and despair, social withdrawal, lack of motivation and a higher level of anxiety are all indicators of significant grief. Conversation with this individual may indicate a preoccupation with feelings of guilt, avoidance of reminders of the loss, and the inability to find meaning in life because of the change in the person's role caused by the loss.

including lack of energy, headaches, sleep irregularities and tightness in the chest with shortness of breath – are universally common occurrences with older adult complicated grief (Anderson and Dimond, 1995).

These symptoms are also associated with many different ailments as well. This may often lead to misdiagnosis because there currently is no official Diagnostic and Statistical Manual of Mental Disorders code for complicated bereavement, nor a designation for differences in grief based on age.

A study by Prigerson, Frank, Kasl, Reynolds, Anderson, Zubenko, et al., set out to look at the symptoms exhibited by older adult bereaved widows and widowers in an effort to show significant distinctions between depressive symptoms and those of complicated grief (1995). The data retrieved from the study group of 82 newly widowed older

adults showed complicated grief to be “exclusive of depression and to be associated with enduring functional impairments” (Prigerson, Frank, Kasl, Reynolds, Anderson, Zubenko, et al., 1995, p. 28).

A similar prospective longitudinal study by Mendes de Leon and Kasl examined the changes in symptoms of depression following the death of a spouse for a two-year period, (1994). The results showed an increased rate of symptoms for a longer period among the 65- to 74-year-old age group, suggesting potentially age-related societal factors that may warrant further investigation into the susceptibility of this particular age group for complicated grief issues (Mendes de Leon, and Kasl, 1994).

An increasing population brings an increasing rate of grief

The normal life course of a human being from beginning to end in 1900, according to the National Center for Health Statistics (1900), was less than 50 years. With minor slips backward over short spans of time because of events such as the plague and bouts of epidemic flu, our life span has grown steadily and heartily through the centuries. In 2005, the average lifespan from birth for a man was nearly 78 years, and nearly 80 for females (National Center for Health Statistics, 2010).

Smaller communities and subsections within larger areas have seen that change in action for a while now. Men and women are both living longer. Those who lose a spouse or significant other earlier in their older adulthood are becoming more willing to commit to new relationships and beginning a new life. Grandparents are raising their grandchildren and are working longer to support them.

The many transformations within this population are redefining needs from all directions. This phenomenon has consistently increased in parallel to the advancement of medical science. The number of individuals age 65 and older in America, as measured by the United States Census Bureau

in 2006, was estimated to be over 37 million or near 12.5 percent of the population (United States Census Bureau, 2006).

At the current rate of increase in longevity, in addition to the “graying of the baby boomer” population, predictions suggest that in 30 years, more than 20 percent of the population will be over the age of 65 (United States Census Bureau, 2004). These statistics equate to two simple points: Living longer means dying older, and larger numbers of individuals living longer mean an increased number of bereaved widows and widowers at any given time.

Living with and experiencing death at an older age is different. A later-life stage brings with it a diverse set of values, perceptions and challenges. The permanence of death takes on greater meaning when time and will are against the normal coping strategy of replacement. The overall increase of older adults will challenge our perceptions of widowhood and force us to look at the external societal contributions that complicate the adjustment to losing someone at an older age.

The impact of bereavement and loss in older adulthood

Relationships are lost and networks of support diminish inevitably as a result of growing older. This progression into a sort of social isolation spiraling down to widowhood and even a potentially earlier death has been a relatively unrecognized and passively accepted trend in the process of aging. Little research has been conducted over more recent years looking at how bereavement is different for older individuals. Losses of any sort may be of considerable consequence to an older adult who has come to depend on continuity as a means to survival.

An older adult is most significantly affected by the loss of a spouse or life mate, having survived together to an elder age. Older widows and widowers complain most frequently about issues of loneliness and fear in decision-making as a result of being absent of their spouse (Kalish, 1985).

Economic security is also a common issue because financial status generally changes with the death of a spouse (Lopata, 1996). The sense of lack of purpose as roles are eliminated from life adds to feelings of loss and builds toward an overwhelming feeling of grief and despondency (Rigdon, Clayton, and Dimond, 1987).

The rippling effects of complicated bereavement for an individual drift outward and touch those who remain within the circle of support for that person. They may very well have their own issues of grief from the same loss, which leaves them unable to objectively help with another’s sense of loss.

The adult children of a grieving widow or widower in older adulthood are often positioned immediately by society into the role of caregiver to the surviving parent, regardless of the mental or physical abilities of that parent. A great deal of this behavior is assumed frequently because of the child’s own reaction to the loss, and has less to do with the capability of the parent to survive alone (Kalish, 1985).

Grandchildren may be faced with the same issues. The withdrawal from social interaction, a typical behavior of grief, may be extended with complicated bereavement and significantly affect the relationships with remaining, more distant members of the support network, such as additional grandchildren and remaining friends (Dimond, Lund and Caserta, 1987).

Social and economic justice issues for bereaved older adults

There are many social and economic justice issues for older adults. Forced retirement, job-related age discrimination and the assumption that mental capacities automatically deplete in older age are just a few examples of myths and assumptions that can create a proverbial “cutting off the nose to spite the face” situation for current society and an older adult population.

These stereotypes create a dilemma for us as we become a society whose fastest-growing age demographic is that of 65 and up (United States Census Bureau, 2004). A national solution can no longer answer the overall question, “What do we do with all of these overachieving

older people who are supposed to be quietly awaiting their final exit?” These folks are far from rocking themselves into oblivion.

Factors such as ageism can create barriers that impose invisible limitations on viable and healthy lifestyle options for older adults. Employers fail to look for ways to keep older adults on their workforce longer. A simple and common example is a company that disregards an application for a job because it doesn’t want to invest in an “old person” (Kovner, Tassone, Mathy, and Harrington, 2002).

The implications of these issues are substantial enough without the added issue of a significant loss changing the entire perspective and

future for that individual, potentially placing him or her at the mercy of a network of these “no’s.”

The sweeping belief that our aging population’s role is to simply slow down, both physically and mentally, and await their final disposition not only has tainted many opportunities for our culture to benefit from some truly amazing gifts, but it also removes a vital support network for members of this group who are by the virtue of their age more subject to loss.

In failing to gauge the immediate seriousness of issues regarding money and a lack of financial guidance to help a recently bereaved older adult deal with the difference in funds caused by a life status change, an area for considerable mismanagement and abuse has opened. This is particularly

Diversity and elder age bereavement

Grief and bereavement are the great diversifiers; familiarity is common, but no two individuals, despite any particular label they fit under, experience any loss (specifically that of death) in the same way (Wolfelt, 2007). Sadly, as with life, death is able to do little to soften our flawed human stereotypes and teach us that “different” still does not mean “bad.”

An assorted, yet regularly combined group of individuals who face some of the greatest obstacles regarding their attempts at relative normality are the lesbian-gay-bisexual-transgender (LGBT) communities. Although many older adult LGBT individuals have settled quietly into community settings and have been at least somewhat accepted into their neighborhoods, a bereaved life mate must often go beyond normal sources of support to individuals of similar orientation for empathy. For older LGBT adults, these networks deplete even more rapidly (simply by the nature of smaller numbers), leaving little understanding and much less empathy in specific situations.

Bereavement is immediately complicated by disenfranchised grief when, despite a life shared together, role and relationship recognition

Formal services for elder age bereavement

Formal nationwide programs that offer services specific to elder bereavement are limited. It seems assumed that at an advanced age, one just accepts that death is inevitable and that feeling unable to deal with the end of 60 years together with another human will just pass naturally.

A San Francisco-based agency, Institute on Aging, has developed a program called “The Friendship Line.” Although not specific to bereavement, it is a phone hotline open to anyone 60 years or older to call for outreach and support in an effort to eliminate risk of suicide in the aging population (Institute on Aging, 2008).

Gaps in services for the bereaved older adult

Where there are policies, there will be cracks to fall through, and the elder adult is especially vulnerable to falling victim to oversights. Many sources of help to aging adults on various levels are overlooked because older people are not provided understandable information, and those who are charged with overseeing the care of the individual do not become informed on behalf of that person.

Further gaps in services exist for subgroups of the aging population that already struggle to find support within society, such as LGBT

Informal help for bereaved older adults

Informal social networks from both common and uncommon sources are the saving grace for elder individuals who lack a strong family support system for help they may need. Grieving older adult widows and widowers tend to rely on networks that are already in place at the time of the loss, and it is these informal ties that are most often the

important for older adults who are capable of managing their own finances but are functioning amid the transformation lacking knowledge of current legalities and who are clouded with feelings of grief.

The lack of services for grief counseling and support specific to older adult issues is also a considerable concern and of added importance to elder adults who lack any additional emotional support networks, such as children nearby or a close church family.

The significance of grief response seems to be all but ignored in those older adults who have seemed to outlive their right to mourn the loss of a significant other by societal reaction. This is where the need for external support networks and the ability of other professionals to recognize the specific needs of older populations comes in.

is denied. This occurs in many situations when legal marriage binding the union with legal certainty is not an option.

Other differences such as race, ethnic background or religion can play a role in how an older adult within that population might react to a significant loss (Kalish, 1985). African American families often are more traditional, maintaining close extended family ties that provide a network of support for their aging population. This is also true in many families of Irish and Italian descent.

Another group of individuals who have specific and somewhat diverse needs relating to bereavement are men who are widowed. “One out of every four men will survive to become a widower” (Worden, 1991, p. 127). Society readily anticipates the needs of a grieving widow, but tends to fail to even recognize the difficulty in adjustment to life without his wife for an older man. Often unable to speak about or even recognize the severity of the depressive feelings, grieving men regularly display physical symptoms related to stress as a first indication of complicated grief (Fitzpatrick, 1998).

The American Association for Retired Persons provides a website dedicated to “Life After Loss” with additional Internet links to articles for widows and widowers about alternating subjects (American Association for Retired Persons, 2008).

Neither is intended to provide grief counseling or diagnose complicated bereavement. A better source of services is found nearby within agencies such as a Hospice organization or a community counseling center. These organizations are usually staffed by nurses, social workers, chaplains, music therapists and bereavement counselors who deal very regularly with the issue of complicated bereavement in older adults.

individuals. One of the largest concerns for aging couples in these communities is the legal protection of the partner at the death of a life mate (Herdt, and de Vries, 2004). Current governmental policies provide for no security against complete financial and role eradication at the will of the next of kin at the time of death of their companion. Same-sex couples who have shared many years of commitment to one another find little comfort in civil unions that end what little protection they offer at the time of death.

longest established and most dependable when help is needed (Rigdon, Clayton, and Dimond, 1987).

Church or religious affiliation is one of the most commonly maintained social networks for older adults throughout the span of their elder years (Steinitz, 1982). Church families naturally extend their hand to offer

emotional and spiritual support to the grief-stricken when a loss has occurred. In more rural areas, these associations may be the primary, if not only, social networking interaction of an older adult. As a result, more personal connections often are made among individuals within these communities, and their older parishioners are “looked after.”

Coping and support

If grief has evolved into a more complicated journey for an older adult, there may be a need for professional counseling services. This may include pastoral counseling services from the individual’s church or from a number of human therapeutic service professionals. In either case, the work of a therapist is to shore up the foundation of the older individual by listening and helping to find ways to grieve effectively while maintaining as much control and independence over life as desired and possible. Increasing the reality of the loss is the overall goal of clinical grief therapy.

The role of the funeral director

In most cases, a funeral director is on the frontline of the experience of loss for individuals. As a result, there is an immediate connection between the grief-stricken spouse, partner or next of kin and the individual who has been afforded the opportunity to care for their deceased. It is the funeral director who will see the progression of emotions during the initial days following the death.

Quite often, the widow or widower will return to that same funeral director over the following months for finalization of business or other advice, providing further opportunity to see firsthand the increasing difficulty of complicated grief. The few moments given to answer a question about an insurance policy or grave marker may lead to a significant chance to truly help ease the emotional burden of a struggling elder widow or widower.

It is at this time that skills of observation will provide clues to needs that cannot be requested. The insight gained from the arrangement conference and funeral process with the individual can guide the initial conversation about their obvious struggle with grief. Beyond that, simple empathy is critical to gaining details that may help an older individual find the means to meet his or her emotional needs.

Allowing the individual to speak of disconcerting feelings freely and without judgment is the first step. When a funeral professional asks the person how he or she is doing, he should not set expectations. Giving

Involvement by any means with other individuals, avoiding isolation, is a key factor in helping to facilitate the bereavement process in a healthy and supportive manner for an aging adult widow or widower.

Intellectual and emotional acceptance provide freedom from the pain of grieving. When counseling is sought and grief therapy begun, the bereaved individual begins to explore and process the emotions to work toward that acceptance. Grief therapy uses cognitive behavioral techniques to understand grief reactions and to teach new, useful coping mechanisms. Other forms of longer-termed therapy, such as psychotherapy, may be useful in reducing feelings of guilt and redefining life’s goals without the loved one.

space for honesty empowers people who, by their very purpose for being in your presence, have been dislodged from their comfort zone.

The funeral director may be the only source of reflection for the older individual, and must be patient when the person recounts – in detail – so many memories. This process is extremely important in helping imprint the reorientation of life for the grieving individual. Become comfortable with silence, as pauses give time to process emotions. Be positive, but honest about the future. Acknowledge the tough times ahead.

Consider the significance of saying “Time will heal the pain.” For anyone who has experienced a significant permanent loss, the thought of suggesting to an elderly gentleman who has just buried his wife of over 50 years that “time will make it better,” is comical at best.

Proposing that grief becomes different, not better, is a more reasonable consultation than promises of magical relief. Practical suggestions, such as relaxation techniques and other ways to deal with the stress, are also useful.

Remaining informed about the changing demographics of the older adult population and the services available specific to the situation are also extremely important. Becoming well-versed and actively involved in the advocacy of the advanced aging population is a vital role to assume as an effective funeral director. The result is better-served families and the invaluable benefit of effective community networking of services and great public relations.

Loss of a parent

The death of a parent sets in play a dynamic unlike any other, one that can take a mourner in any number of emotional directions.

Although it is the one loss that everyone expects will happen at some time in his or her lifetime, no one is ever prepared for it.

This was one of a very few people (with the inclusion of younger siblings) that a person has known his entire life. This was a person who shared many of the major experiences of early life and may have been the only one who shared some of them. It’s the loss of an undergirding that goes to the very core of a person’s self-image.

And yet, this is the person who may also be remembered for criticisms and negative impacts, perhaps to the point where the mourner was estranged from the parent, setting up an entirely different set of reactions to the death.

If the relationship was a close one, after the initial shock has worn off, mourners dive into a “sharp, painful nostalgia that accompanies the recollections of childhood” (Staudacher, belief.net).

The mother who taught them how to bake cookies is gone. The father who ran alongside the first time they rode a bike without training wheels is gone. The proud parent who watched them graduate is gone. The link to many of life’s early and basic experiences is gone, and a sense of being disconnected from those memories can settle in. There is an empty spot in a mourner’s life history that can never be refilled, because only the lost parent was aware of what goes there.

And if there was a ritual of meetings or regular conversations with that parent, another hole exists. Who am I going to call over my morning coffee? What do I do about lunch on Tuesdays?

The same applies if the child had become a caretaker. There’s now a hole to fill in the weekly schedule. Siblings may abdicate final decisions to that child/caretaker, freeing themselves to mourn but leaving the caretaker/sibling too busy with details to properly mourn for herself.

In cases where the parental relationship was strained, estranged or in the process of being rebuilt, grief is complicated by a whole spectrum of other factors in play.

Grief in these cases is set in a context of unfinished business that causes a great deal of anxiety (Staudacher). A child may be ambivalent toward, or even dislike, the parent who has died and should be encouraged to express negative feelings to assuage any guilt that may accompany those feelings.

Working through both guilt and anger can help the mourning child come to terms with the loss. In a sense, the normal parent-child relationship was lost long ago, and now with the physical loss of that parent, past conflicts should be dealt with to help the child move on.

When a parent dies during the process of rebuilding a relationship, or before the start of that process for a mourner who laments the estrangement, grief can be particularly devastating. The opportunity is lost forever, and the mourner may seem unwilling to accept that, or seem to accept it, but words or actions belie that he or she has.

The mourner, illogically to those outside the relationship, insists that he wants his parent back so the healing of the relationship can be completed. But such mourners can be helped to see that it does not have to be that way.

This particular aspect of “unfinished business” with a deceased parent has been addressed throughout popular literature; self-help books such as those previously quoted here, music and film.

One such film that had a surprisingly strong impact on the American male population was “Field of Dreams,” ostensibly a baseball movie, but in reality about so much more.

From the start, the main character, Ray Kinsella, chronicles the relationship with his deceased father as first close, then strained then estranged to the point that the father dies before the relationship can be repaired.

As Ray moves through the film, doing what he thinks The Voice is asking of him, the narration returns repeatedly to the father-son

relationship. In the end, Ray finds out that “If you build it, he will come” has little to do with baseball.

This miracle resolution so resonated with the hearts of American males that 23 years after the 1989 film release, men still travel to the Iowa cornfield where the movie was made. As the movie proclaims, “they sit in their shirtsleeves on a perfect afternoon...and (it’s) as if they dipped themselves in magic waters” (Field of Dreams, 1989).

Grown men tear up over lost relationships, while sitting on a baseball field on a farm outside Dyersville, Iowa, and mend fences long thought irretrievably broken.

More worldly means of dealing with the loss of a parent include talking it out with someone who has also lost a parent, joining a support group or by talking with a pastor or counselor. What’s important is that they bring those feelings to the surface. Simply sharing the burden can sometimes lighten the load.

For some mourners, something as simple as a memento can ease the pain of losing a parent. An item that has specific meaning to the relationship between the parent and THAT child can come to signify the bond and become a constant reminder. Eventually, instead of a somewhat melancholy reminder, it can become a catalyst of never-ending memories of that special bond.

Mourners can be encouraged to create a memorial to their parent. Having everyone participate in an activity that was enjoyed by the parent who has been lost can create a memorial moment. And the effort alone of compiling a journal, scrapbook or video memorial of some kind can be cathartic simply by the process of remembering. Digital photos or video are good for this purpose because they are easily compiled and can be easily duplicated for sharing with other family members and friends as needed.

How a child grieves

Depending on her age and emotional development, a child may or may not understand what death is. Well-intentioned explanations – an adult’s attempt to explain a concept too complicated for a young child – can sometimes go awry, and a simple “death is when the body stops working” may not be enough for the child to understand why the person is not coming home (Children Grieve Too, www.grief.org.au).

It’s important to understand – for both the funeral professional and for family members – that even older children process grief differently than adults.

A child may grieve openly or appear unconcerned. She may alternate between the two and may even purposely mask her feelings so as not to be a burden to an adult family member who is expressing herself. A child may also play at conducting a funeral or draw images of death, dying and the attendant trappings. All can be considered normal outlets for a child.

Adult family members should be encouraged to explain the death to children themselves, and allow the children to participate in services and rituals to the extent the children are comfortable doing so. Age-appropriate honesty is the best policy here (www.grief.org.au), but it is important not to overwhelm the child with too much information.

In addition to explaining death to a child, it’s important to listen to a child’s thoughts and feelings on the subject. Children can deal with and express themselves at this time in many ways, and it is important for the adults in the situation to provide such avenues as:

- Watching videos or reading stories together with themes of change and loss.
- Creating a memorial together.
- Keeping a family journal together.
- Any other form of expression the child may choose as helpful.

Parents should be advised to expect any of the following from preschool aged children (www.grief.org.au):

- Being affected by the emotions of parents, siblings and others around them.
- May not stay sad for long or alternate between crying and playing.
- Have a curiosity about death.
- Become fussy, irritable, etc.
- Nightmares.
- Bed-wetting, clinging behavior or other regressive behaviors.
- Searching for the lost loved one.

Routine is everything for children in this age group. As much as possible, the child’s support system should be maintained as normal. Reassure them.

Preschool children often blend current events in their lives into their play, which provides a marvelous opportunity for adults or older siblings. Joining in this kind of play can provide an opportunity to further explain the loss in a non-threatening atmosphere that the child himself provides and orchestrates.

School aged children, who are further along in the developmental process, provide an entirely different challenge. Bereaved school aged children may:

- Find it a difficult transition to understanding that death is final.
- Ask detailed questions about death.
- Imagine death as the bogeyman or a ghost.
- Play games where they pretend to die.
- Experience the very adult reaction of anger, often directed at other people.
- Keep their feelings to themselves.
- Appear unaffected while they take time to sort their feelings.
- Blame themselves.
- Loss of sleep, loss of appetite, poor schoolwork or other physical ailments.
- Worry about what would happen to them if a parent dies.

- Fear being seen as “different” by peers and isolated from them for that reason.

Many of the same techniques used to help younger children can work with the older child as well when adjusted for the increased maturity level.

Additional factors to consider

There are any number of other factors that can influence grief, including the manner of death, relationships other than family and the trappings of the final arrangements themselves.

For example, a co-worker, though not a blood relation, may feel just as close to the deceased as any family member. This is someone they’ve seen day after day, week after week, perhaps for many years. In many cases they’ve shared hopes and dreams with the deceased that perhaps even family members were never aware of.

It’s certain that a co-worker has experienced things with the deceased that family members simply did not have to opportunity to share in. Yet, co-workers are often overlooked, languishing in the back of the room as that face no one in the family recognizes. A funeral professional who is alert to this dynamic can be of inestimable value with just a kind word or a willing ear.

If the death was a violent one, homicide, suicide or an accident of some sort, it brings into play another dynamic altogether. Violence has visited. Mourners often cannot process the unfairness of it all, and particularly if the cause of death was homicide, may display mistrust of strangers.

And others, out of a misplaced fear of their own susceptibility to such violence, may question why the deceased was in a position to be murdered, inexplicably laying blame on the victim. This need to “place blame” is projected in an effort to fight off any thoughts that such a tragedy would ever happen to them (Wolfelt, *griefwords.com*).

It has been said that suicide is like “a grenade going off within a family or community” (*allianceofhope.org/survivor_experience*). In addition to the stages of any other grief, mourners of a suicide, particularly, can find themselves questioning personal belief systems. In addition, there can be guilt born of the belief that she should have seen the anguish of the friend or family member and been able to do something about it.

The fact that the suicide was a choice brought about by the deceased’s belief it was the only solution to his issues is irrelevant. The mourner goes back over the relationship, and in retrospect, often sees signs that went otherwise unnoticed (*allianceofhope.org*). Often, the mourner feels guilt for not recognizing those signs and stepping in.

If the surviving friend or family member cannot get past the grief and the stigma of the event, it can lead to symptoms of post-traumatic stress. Common reactions include:

- Distressing recollections of the death.
- Distressing dreams about the event.

Common myths about grief

1. **Myth:** The pain will go away faster if you ignore it.
Fact: Trying to ignore your pain or keep it from surfacing will only make it worse in the long run. For real healing it is necessary to face your grief and actively deal with it.
2. **Myth:** It’s important to “be strong” in the face of loss.
Fact: Feeling sad, frightened or lonely is a normal reaction to loss. Crying doesn’t mean you are weak. You don’t need to “protect” your family or friends by putting on a brave front. Showing your true feelings can help them and you.
3. **Myth:** If you don’t cry, it means you aren’t sorry about the loss.
Fact: Crying is a normal response to sadness, but it’s not the only one. Those who don’t cry may feel the pain just as deeply as others. They may simply have other ways of showing it.
4. **Myth:** Grief should last about a year.
Fact: There is no right or wrong time frame for grieving. How long it takes can differ from person to person (Source: *Center for Grief and Healing*).

Attention, routine and openness are all good things. An older child, with better verbal skills, can be encouraged to discuss feelings if he is ready.

Joining a child at his favorite video game, watching a movie together, any form of quality time spent focused on that child can help and may become a springboard to a discussion of the loss than can help an older child.

- A feeling of reliving the experience.
- Feeling numb.
- Feeling emotionally detached from other people.
- Always feeling “on guard.”
- Difficulty working.
- Difficulty in social situations.
- Difficulty falling or staying asleep.
- Difficulty concentrating.

These experiences, if not checked and mitigated, can lead to a diagnosis of post-traumatic stress disorder, a debilitating illness.

The funeral or memorial itself can increase stress levels, complicating the mourning process in many ways. These are places and things most people do not encounter regularly. Confusion about what to do, where to go, even where to sit can heap yet another level of stress into an already-stressful situation.

Children, even into their teens, are rarely prepared for what’s going to happen at a funeral or memorial. Established processes that can help explain to a child what is going to happen and why can often help a child through an experience she may be having for the first time.

If there is going to be an open casket, a child needs to be prepared for this (Wolfelt), because more than likely he’s been told the person is not coming back. Imagine the surprise of a small child who has been told that, then enters a room and sees that person lying in a casket. This is not the time for surprises.

Leaving a memento in the casket is another way to comfort a child, who sees it as an eternal connection to the loved one who has died.

And if cremation is part of the service, younger children especially may not understand what that entails. A child may see cremation as burning the body, and experience has told her that being burned hurts. It’s important for the child to know that the cremation process does not hurt and allows the family to keep the loved one’s remains in a container if they so desire.

In an atmosphere of ongoing support, the funeral professional can be helpful when mourners don’t know what to do with holidays. Who will carve the turkey? Who puts the star on the Christmas tree? Do I commemorate her birthday? What about Mother’s Day? Father’s Day?

All these are questions that may not yet have occurred to the mourner, but will eventually. The funeral professional can be helpful in providing resources and examples of what others have done in those circumstances.

Grieving the loss of a pet

Funeral directors are increasingly seeing the need for people to have memorials and other services for their pets. It is yet another way for the profession to serve its public and help to ease life's trials.

Although many people will dismiss grief over the loss of a pet as trivial because it is "only an animal," those who have lost a pet can often go through the same stages of grief as when losing a person in their lives (Allen, <http://www.pet-loss.net/>).

This allows the funeral director yet another opportunity to be of assistance, and one who provides such services could become a sought-after resource. Offering dedicated facilities for pet services sends two messages. It tells pet owners the director considers this important enough to devote a special space, and it also assures those who do not use those services that the facilities they do use are set aside for their purposes.

As previously stated, the owner of a lost pet can experience many of the same emotions and stages of grief that accompany the death of a person.

Resources for the funeral director

In addition to his own services, a funeral professional can forge relationships with others in the community to assist those left behind. It can be as simple as keeping track of books on the subject that are available at the local library. Or it can be as complex providing a grief services division or networking with mental health professionals to provide referrals when necessary.

In any case, being seen as the one willing to go the extra mile can only enhance a funeral professional's reputation in the community.

Hundreds of websites and organizations provide information, coursework and free resources to help the funeral professional assist her customers. They range from blogs to service organizations, governments, faith-based groups and groups that provide formal training for those interested in becoming certified in grief counseling.

One website that funeral professionals can point their customers to works under the premise that music can be of major benefit to the grieving soul. *Griefsupportservices.org* provides, free of charge, the ability for anyone with a computer and a media player to listen to a vast library of music that is searchable by artist or genre dealing with various aspects of the grief process.

Creative to the nth degree in its attempts to serve any and all mourners, the website encompasses the gamut of musical styles, ranging all the way

Often, the pet was a part of the family for 10 years or more and a source of unconditional love, comfort and companionship (Allen). People who don't understand that may trivialize the feelings engendered by the loss of a pet, but real as they are, they should be honored as such.

If the pet's departure will include euthanasia through a veterinarian or pet shelter, yet another decision is necessary – whether the pet owner should stay during the procedure. Some feel relief and comfort by staying and seeing for themselves that their pet passed peacefully and without pain. On the other hand, if the pet witnesses its owner's emotions and tears, it is likely to be upset. For many pet owners, not witnessing the death makes it more difficult to accept (Allen).

Other factors, such as talking to the children, burial or cremation, the reactions of other pets in the family and when to replace the lost pet are all issues a funeral director can be trained to assist with and provide services for during this specialized time of need.

from Barbra Streisand singing "I Believe" to Led Zeppelin's "Stairway to Heaven." And if a certain piece of music speaks to a visitor, the website provides a way to purchase that song with a click of a mouse.

Another website, *selfhealingexpressions.com*, provides a lengthy list of movies dealing with various grief issues ranging from mystical experiences ("Ghost," "The Five People You Meet in Heaven") to understanding different grieving patterns ("Little Women") and even writing as a way of expressing grief ("Finding Neverland," the story of how the Peter Pan saga was created).

And typing the word "grief" into the search box on the Internet Movie Database (*imdb.com*) produces nearly 1,000 entries to select from.

Self-help books, memoirs and anthologies of grief experiences abound. Online booksellers, bookstores both large and small and even local libraries can be great resources for finding books on the myriad aspects of grief that the funeral professional can then refer a mourner to, depending on their particular need.

Organizations such as University of Phoenix, City University of New York other colleges and dozens of private groups offer certification training in grief counseling for funeral professionals interested in providing this service.

REFERENCES

- American Association for Retired Persons, (2008). Life After Loss. Retrieved June 24, 2008 from <http://www.aarp.org/family/lifeafterloss/>.
- Anderson, K.L. and Dimond, M.F. (1995). The Experience of Bereavement in Older Adults. *Journal of Advanced Nursing*, 22(2), 308-315.
- Arnold, J.H. and P.B. Gemma. *A Child Dies: A Portrait of Family Grief*. Rockville, MD: Aspen Systems Corporation. 1983.
- Arnold, J.H. and P.B. Gemma. *A Child Dies: A Portrait of Family Grief*. Philadelphia, PA: The Charles Press Publishers. Second Edition. 1994.
- Blue Ridge Hospice: Center For Hope; Your Community Counseling Center. (2008). Services, Outreach and Educational Opportunities. [Brochure]. Winchester, VA: Author.
- Blue Ridge Hospice, (2008). Strengthening Our Ties. [Brochure]. Winchester, VA: Author.
- Bramblett, J. *When Good-bye Is Forever: Learning to Live Again After the Loss of a Child*. New York: Ballantine Books. 1991.
- Bowlby, J. (1977). The Making and Breaking of Affectional Bonds, I. and II. *British Journal of Psychiatry*, 130, 201-210; 421-431.
- Canine, J.D. (1996). *The Psychological Aspects of Death and Dying*. Stamford, Connecticut: Appleton and Lange.
- Cordell, A.S. and N. Thomas. "Fathers and Grieving: Coping with Infant Death. *Journal of Perinatology*, Vol. X, No. 1, March 1990.
- Corr, C.A., H. Fuller, C.A. Barnickol, and D. M. Corr (Eds.). *Sudden Infant Death Syndrome: Who Can Help and How*. New York: Springer Publishing Company, Inc. 1991.
- DeFrain, J., L. Ernst, D. Jakub, and J. Taylor. *Sudden Infant Death Syndrome: Enduring the Loss*. Lexington, MA: Lexington Books. 1991.
- Dimond, M., Lund D. A. and Caserta, M.S. (1987) The Role of Social Support in the First Two Years of Bereavement in an Elderly Sample. *The Gerontologist*, 27(5), 599-604.
- Donnelly, K. F. *Recovering From the Loss of a Child*. New York: Macmillan Publishing Co. 1982.
- Finkbeiner, A. K. *After the Death of a Child: Living with Loss Through the Years*. New York: Simon and Shuster Inc. 1996.
- Fitzpatrick, T.R. (1998). Bereavement Events Among Elderly Men: *Journal of Applied Gerontology*, 17(2), 204-228.
- Herd, G. and de Vries, B. (2004). *Gay and Lesbian Aging: Research and Future Direction*. New York, NY: Springer Publishing Company.
- Horchler J. N. and R.R. Morris. *The SIDS Survival Guide: Information and Comfort for Grieving Family and Friends and Professionals Who Seek to Help Them*. Hyattsville, MD: SIDS Educational Services. 1994.
- Hosford, C. *Fact Sheet: When a Twin Dies*. Baltimore, MD: Maryland SIDS Information and Counseling Program. 1994.
- Institute on Aging (2008). Center for Elderly Suicide Prevention and Grief Counseling: The Friendship Line. Retrieved June 24, 2008, from http://www.ioaging.org/services/special/program_friendship_line/
- Kalish, R.A. (1985). *Death, Grief, and Caring Relationships* (2nd ed.). Monterey, CA: Brooks/ Cole Publishing Company
- Kovner, C. Tassone M., Mathy M., and Harrington, C. (2002) Who Cares For Older Adults? Workforce Implications of An Aging Society. *Health Affairs*, 21(5), 78-89.
- Kubler-Ross, E. *On Death & Dying*, (Simon & Schuster/Touchstone), 1969
- Lopata, H.Z. (1996). *Current Widowhood: Myths and Realities*. Thousand Oaks, CA: Sage.
- Mayo Clinic. (n.d.). *Complicated Grief*. Retrieved October 13, 2010 from <http://mayoclinic.com/health/complicated/grief>.
- Mendes de Leon, C. F. and Kasl, S. V. (1994). A Prospective Study of Widowhood and Changes in Symptoms of Depression in a Community Sample of the Elderly. *Psychological Medicine*, 24(3), 613-624.
- Moffat, M.J. (Ed.) *In the Midst of Winter: Selections from the Literature of Mourning*. New York: Random House. 1992.

- National Center for Health Statistics. (n.d.). United States Life Tables 1890-1910. Retrieved June 20, 2008 from <http://www.cdc.gov/nchs/data/lifetables/life1890-1910.pdf>.
- National Center for Health Statistics. (n.d.). United States Life Tables 2003. Retrieved June 20, 2008 from http://www.cdc.gov/nchs/data/statab/lewk3_2003.pdf.
- Neugeboren, J. *An Orphan's Tale*. New York: Holt, Rinehart & Winston. 1976.
- Prigerson H.G., Frank E., Kasl S.V., Reynolds C.F., Anderson B., Zubenko G. S., et al. (1995). Complicated Grief and Bereavement-Related Depression as Distinct Disorders: Preliminary Empirical Validation in Elderly Bereaved Spouses. *American Journal of Psychiatry*, 152(1), 22-30.
- Rando, T.A. (Ed.) *Parental Loss of a Child*. Champaign, IL: Research Press Company. 1986.
- Rigdon, I.S., Clayton B., and Dimond M. (1987). Toward a Theory of Helpfulness For the Elderly Bereaved: An Invitation to a New Life: *Advances in Nursing Science*, 9(2), 32-43.
- Santrock, J.W. (2007). *A Topical Approach to Life-Span Development*. New York: McGraw-Hill.
- Schiff, H.S. *The Bereaved Parent*. New York: Penguin Books. 1977.
- Schlosnagle, L. and Strough, J. (2008, June). Social Networks and Interactions in Late Adulthood. Presentation given at the 30th Summer Institute on Aging, Morgantown, West Virginia.
- Sonntag, L. and Savitch, S. (2008, June). The River of Grief: Navigating the Currents of Loss. Presentation given at the 30th Summer Institute on Aging, Morgantown, West Virginia.
- Staudacher, C. *Men and Grief: A Guide for Men Surviving the Death of a Loved One, A Resource for Caregivers and Mental Health Professionals*. Oak-land, CA: New Harbinger Publications, Inc. 1991.
- Staudecher, Carol, <http://www.beliefnet.com/Health/Health-Support/Grief-and-Loss/2000/05/Grieving-The-Death-Of-A-Parent.aspx>
- Steinitz, L.Y. (1982). The Local Church as Support for the Elderly. *Journal of Gerontological Social Work*, 4(2), 43-53.
- United States Census Bureau (n.d.). 2006 American Community Survey Data Profile Highlights. Retrieved June 20, 2008 from http://factfinder.census.gov/servlet/ACSSAFFacts?_submenuId=factsheet_1and_sse=on.
- United States Census Bureau (2004). Projected Population Change in the United States, by Age and Sex: 2000-2050. Retrieved June 21, 2008 from http://factfinder.census.gov/servlet/ACSSAFFacts?_submenuId=factsheet_1and_sse=on.
- United States Census Bureau (2004). U.S. Interim Projections by Age, Sex, Race and Hispanic Origin. Retrieved June 20, 2008 from <http://www.census.gov/ipc/www/usinterimproj/natprojtab02b.pdf>.
- Van Praagh, James, "Healing Grief: Reclaiming Life After Any Loss, Dutton, 2000.
- Wolfelt, A.D. (2007). *Living in the Shadow of the Ghosts of Grief*. Fort Collins, CO: Companion Press.
- Wolfelt, Alan D. Ph.D. griefwords.com
- Worden, J. W. (1991). *Grief Counseling and Grief Therapy: A Handbook for the Mental Health Practitioner* (2nd ed.). New York, NY: Springer Publishing Company.
- *Wisconsin Perspectives Newsletter*. Milwaukee, WI: Wisconsin Sudden
- Infant Death Center, Spring 1989.
- *Wisconsin Perspectives Newsletter*. Milwaukee, WI: Wisconsin Sudden Infant Death Center, December 1996.
- *Wisconsin Perspectives Newsletter*. Milwaukee, WI: Wisconsin Sudden Infant Death Center, February 1997.
- (*Wisconsin Perspectives Newsletter*, Spring 1989, 1).
- *Wisconsin Perspectives Newsletter*, February 1997, 1).
- http://en.wikipedia.org/wiki/John_Walsh
- http://en.wikipedia.org/wiki/Ryan_White
- http://www.rci.rutgers.edu/~carrrds/good_grief.pdf
- <http://www.pet-loss.net>

GRIEF AND THE ROLE OF THE FUNERAL PROFESSIONAL

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

- Elizabeth Kübler-Ross describes the five stages of grief as denial, anger, bargaining, depression and acceptance.
☐ True ☐ False
- Anger can provide a safety valve, allowing for the release of the buildup of frustration and helplessness.
☐ True ☐ False
- There are no true physical symptoms associated with grief.
☐ True ☐ False
- Acceptance is coming to the decision that everything is fine as it is or that we learn to live with the situation.
☐ True ☐ False
- Most clinical therapists consider persistent symptoms beyond 12 months to be complicated grief.
☐ True ☐ False
- Long-term complicated grief does not increase the risk of heart disease, high blood pressure and cancer.
☐ True ☐ False
- Today, the average life span between birth and death for a man is 85 years.
☐ True ☐ False
- Predictions suggest that in 30 years, more than 20 percent of the population will be over the age of 65.
☐ True ☐ False
- When an elder spouse dies, there is often pressure on children to become the caregiver of the surviving spouse.
☐ True ☐ False
- In cases where the parental relationship was strained, estranged or in the process of being rebuilt, grief is complicated by a whole spectrum of other factors in play.
☐ True ☐ False



Chapter 6: History of Embalming and Restorative Arts

3 CE Hours

By: Elite Staff

Learning objectives

- Discuss some of the reasons different cultures have embalmed their dead.
- Describe the process and materials used to embalm the dead in ancient Egypt.
- Discuss the historical changes affecting the embalming policy from the Dark Ages through the Renaissance.
- Explain how the Civil War changed the history of embalming.
- List three noted early American embalmers and their contributions to the field.
- Name three inventions that significantly changed embalming techniques in the 1800s and 1900s.
- Name the first well-known “demisurgeon” whose restorative techniques were a sensation in the early 1900s.
- Discuss the findings from the recent National Cancer Society research, published in November 2009, and how this may affect the use of formaldehyde in embalming.
- Explain the risks of arsenic in old cemeteries and embalmed bodies and how to protect yourself from exposure to arsenic.

Introduction

This chapter is presented in two parts. The first part of the chapter discusses the history of embalming, introducing significant practitioners and authors, the invention of innovative devices and techniques, and the subdiscipline of restorative techniques. The second part of the chapter

discusses possible risks of embalming, including those associated with formaldehyde exposure highlighted in recent research findings, and the hidden danger of arsenic in historic cemeteries.

PART I: EMBALMING – A LONG HISTORY

Men and women have practiced human preservative methods and restoration art since early times, to restore and maintain bodies free from decomposition and return the body to its natural lifelike appearance. The reasons for the practice are varied and distinct to each culture. The ancient Egyptians practiced their embalming and mummification techniques to meet religious goals involving the afterlife. In more recent times, the practice was a matter of necessity; the early study of anatomy and the technique of dissection, for example, necessitated some method or material that would allow the corpse to be studied for longer periods in warm as well as cold weather. Not least significant, embalming and restorative methods

became critical for transportation or viewing associated with funeral and memorial celebrations, to display the body as is the tradition in many cultures and faiths, and provide a sense of peace and closure to family members and friends.

This section highlights some of the significant individuals, inventions and techniques in the history of embalming, from ancient through modern times, describing the incredible range of materials and methods used to make tools and embalming fluids. It also reviews a history of modern restorative art, which emerged as an important subdiscipline in the early 1900s.

Embalming defined

Embalming refers to the preservation of the dead human body by specific actions conducted by human beings. It is “man-made,” in that it requires specific types of intervention and treatment of the body that necessitates human action. In some parts of the world, elements of the climate, such as extreme cold or dry heat, act as a natural preservative, creating corpses that do not decompose and maintain their form for great lengths of time. These natural processes do not require human intervention and are not considered embalming.

Humans around the world and throughout history have developed scores of fascinating methods and materials for preserving dead bodies. Ancient Sicilians had a method that used heat; ancient Egyptians used evisceration and immersion in their special solution; arsenic and mercury were popular for a while, and, more currently in this country, arterial injection and cavity treatment became the norm.

Historical periods

Embalming history is composed of a number of distinct periods. Our earliest knowledge of embalming is that which occurred in Egypt over 5,000 years ago. It continued, with variation in practices and materials over time and location, for almost 4,000 years, ending in about 650 ACE. Egyptian embalming was a religious practice, as preservation of the body was a necessary precursor to resurrection in the afterlife. As Christianity became more dominant in the area, the practice was suppressed as a pagan

ritual, and Arab conquerors also rejected the practice of embalming. Still, Egyptian methods recorded by historians of the day would emerge many years later, influencing embalming in other parts of the world.

The second main epoch of embalming history is the period of the Renaissance in Europe, a period in which embalming techniques were primarily used to preserve the dead for purposes of dissection and study.

The third distinct period is modern history, from 1861, the start of the Civil War, to the present day. During the Civil War, embalming became more common (at least among Northern officers), initially required by public transportation services before they would take a corpse to its final resting place from the battlefield location. It became an invaluable means for maintaining corpses of prominent military

Ancient Egypt

Well over 5,000 years ago, Egyptians did not embalm their dead. Instead, they prepared the dead by folding the arms and legs of the body and placing the body in the fetal position, wrapped in a simple cloth or fiber mat, and buried on its side in a shallow grave in the desert. The location was specific: west of the Nile River, in some cases with pottery or other items. Because the body was surrounded by hot, porous sand in an area with virtually no precipitation, the climate acted as a preservative, extracting all moisture from the body.

By about 5,000 years ago, Egypt had become a bustling hub with a growing population and increasing wealth. Those with titles and wealth wanted more than a simple burial. Because one's body and certain organs in it (but not all), as well as specific possessions, would be required in the afterlife, it was problematic to just leave a body in the sand to dry, as it could easily be uncovered by winds and exposed or be robbed of the items buried with it. To ensure that they entered the afterlife with their body and possessions intact, the wealthier Egyptians requested deeper graves that could be sealed or lined with materials that would keep sand away from the body and grave robbers away from personal items, such as buried jewelry and even furniture that the upper class might want buried in their container.

Even with sealed containers, grave robbers of the day, knowing that valuable jewelry and personal objects were being buried with a body, would find ways to open the containers and steal the items, usually leaving the body in a position where it was no longer protected and no longer preserved. Once discovered, bodies might be decayed or even reduced to a skeleton, which was shocking to family members. Unaware of the process of decomposition, the Egyptians initially thought that burying loved ones in tightly built stone coffins would preserve them. When they found that the soft tissues would disappear even in a stone casket, they coined the term "sarcophagi," which refers to a type of bronze or copper casket, but literally means "flesh eater."

Egyptian embalming procedure

The first step for the ancient Egyptian embalmer was the removal of the brain, typically with the use of a metal hook or spoon, inserted through the nostrils into the brain, or less commonly, through the eye socket. Some mummies did not have the brain removed.

Incision and evisceration was not always used, but became more common in later periods. The earliest incisions were made in the left side, from the ribs to the crest of the ilium, measured about 5 inches, and were usually made with a black flint knife blade. The angle of the incision shifted over time, then turned oblique, with the cut extending from the crest of the ilium toward the pubic bone. Very late in the tradition, bodies might be incised at the anus. In cases of evisceration, all the viscera except the kidneys and heart were removed and cleansed, then immersed in a container of palm wine and packed in natron.

Natron is a salt found in dry lake beds of the desert in that area that is composed of sodium carbonate decahydrate (a kind of soda ash) and baking soda, along with small quantities of household salt. Like other salts, it is highly corrosive. Egyptian embalmers found it necessary to tie fingers and toenails to each digit using a little metal wire or thimble, or the nail would disappear in this step of the process. The body was immersed in a high concentration of natron for 20 days. After that, it was rinsed with water and dried in the sun.

officials, whose bodies might travel to a number of locations for memorial services. Additionally, embalming allowed viewing of the body without showing all the ravages of war. In this third, and current period, embalming is available to nearly everyone who requests it, where once it was only available to nobility or the wealthy.

In order to keep the body from decay in the warm Egyptian climate, they had to construct a method to preserve body tissues over time.

While we do not know exactly how it began, it is likely that methods common at the time for preserving meat, fowl or fish probably suggested a clue for early techniques. One might bleed a fish, for example, then preserve it by salting, smoking, sun drying or otherwise heating it to prevent decomposition and store it for a later time. By the time of the very earliest documentation of the process of embalming (in about 500 BCE), it had become a sophisticated technique that had been evolved over hundreds of years. Embalming methods varied by era as well as by individual embalmers. Additionally, a number of different services were usually available to the customer, ranging in price according to materials and time involved. In most historical accounts, there are three options provided family members of the deceased, distinctly defined as low to high quality.

To demonstrate each tier of service, the embalmers would show three wooden models of corpses that were distinct from one another by the way the body was incised (or if it was not incised), the number of steps involved, and the materials used. The most expensive (over \$1,000, by current monetary standards) required incision and removal of internal organs, as well as the insertion of aromatic powders and perfumes, such as myrrh, frankincense and cinnamon, before the incision was sewn up. A less expensive method (less than \$100) utilized an injection of cedar oil into the gut or anus, while the cheapest included little more than washing and salting the body for a lengthy period. In most cases, the desirable processing time was a period of 70 days.

Our knowledge of the process comes primarily from descriptions written about 500 BCE by the famous Greek historian, Herodotus. Nearly 500 years later, in 45 BCE, Siculus, another historian, would write about the process – still the three tiers of service, but materials and processes had changed slightly. Here are some of the characteristics that were common to both accounts.

The next steps were spicing and wrapping the body. The body surface and cavity would be coated with resin (tree sap), or resin mixed with fat, and the skull was packed with bandages made of linen and soaked in resin, rolled up and placed in the cranium. Sometimes the skull was filled with resin that was heated and poured into the skull using a funnel.

The viscera removed from the body might be returned to the body or placed in four special jars, perhaps one to two feet in height and 4 inches across, and made of a variety of materials, from clay to alabaster. The top of each container depicted a face of one of the four children of Horus, the Egyptian god of the sky, who had the body of a man and the head of a falcon. Each child resembled a different species, having the face of a human, jackal, hawk or ape, with each container dedicated to a specific body part: the jar with the human face contained the liver; the face of a jackal held the stomach, an ape held the lungs and the hawk, the intestines. The jars were typically housed in a wooden box near the body, while miniature copies of each of the four containers were placed within the body cavity. The cavity was then packed with straw, resin-soaked linen or moss.

If the actual organs were returned to the body cavity, they would be wrapped in material that also depicted the appropriate child of Horus. In the earliest days of embalming, the incision was not sewn closed,

but the edges were pulled together, or attached to one another with wax or resin. Embalmers began to sew the incision closed as early as 1700 BCE. Looking at the stitches today, one is struck by how much they look like the familiar embalming stitches used in modern times. Finally, the incision would be covered by a plate made of metal or wax depicting the eye of the Egyptian god of the dead.

In the most expensive method, treatment would approximate this schedule:

- Day 1 through 16: Evisceration and washing of the body.
- Day 16 through 36: Immersion in natron.
- Day 36 through 68: Spicing and wrapping with bandages.
- Day 68 through 78: Body placed in a coffin.

Wrapping started rather simply and became a very complicated affair, with individuals specializing in the wrapping of toes, for example or another body part. Each finger and toe was wrapped individually, followed by wrapping of each of the limbs. The face would be covered with a bandage and the body with a simple cloth garment, then spiral bandaging would begin. The body would be padded in places or bandaged with extra material to maintain the body's natural shape. Other items might also be bound between the bandages, including the name of the deceased or lotus flower petals.

The amount of bandages required was great, and people may have saved pieces of linen their whole lives to have sufficient wrapping for their mummification. Bandages might be over 3,000 feet in length and were imprinted with hieroglyphics identifying the person.

Ancient Egyptians did get what they paid for, in some cases, as the more expensive methods of embalming preserved the body better, but only about 10 percent of mummies were preserved this way. The majority of people were embalmed using cheaper methods, where the body was coated with natron or heated resin, for example, which preserved the body but tended to destroy facial features, fingers, toes and hair. Some of the success of Egyptian preservative methods could likely also be attributed to a hot, dry climate that discouraged bacterial growth.

Ancient Egyptian restorative art

The ancient Egyptians were already practicing a range of restorative techniques as early as 1200 BCE. To "round out" emaciated facial features, such as hollowed cheeks, the inside of the mouth might be packed with sawdust. Eyelids were stuffed using linen or eyes might be replaced with stone. Material was also packed into the body through incisions into areas like the back, which could not otherwise be easily reached. Later, the temples and cheeks would be filled with warm resin administered through a funnel into the ears, where it could be molded into the right position. Common padding materials included long pieces of linen, sand or mud, sawdust, and fat. Both the face and the body were contoured to approximate the individual's original features and shape.

Other ancient embalming traditions

While many ancient civilizations embalmed their dead, only a small number are mentioned here to touch upon the great diversity of methods and materials used.

Populations of the Tigris-Euphrates River Valley, including the Persians, Syrians and Babylonians, submerged recently deceased individuals of importance in a container of honey or wax to preserve the body, especially for a long journey. Alexander the Great was likely treated this way to preserve his body after his death in battle in 323 BCE.

The ancient Ethiopians eviscerated and dried their dead much like the Egyptians. They also practiced restorative art, applying layers of plaster to the skin to round out the body in natural contours. Then, the plaster was painted and covered with a thin clear coating. Its composition remains something of a mystery, but may be a type of liquefied amber.

Originally, Egyptian embalming was simply about preservation; keeping the body from decaying. Only if a body was properly embalmed and mummified would the individual be able to be part of the afterlife.

Given the prominence of death rituals and the fact that the quality of the embalming directly affected one's chance in the afterlife, embalmers were treated with great honor and respect, often accompanying priests at the temple in the role of holy men. In fact, during embalming, the head embalmer would wear a costume depicting Anubis, the half-human, half-jackal god of funerary and embalming, who protects the dead for their journey to the afterlife.

In the last 1,000 years these methods were practiced, the external appearance of the wrapped body became increasingly important. Wrapping patterns became more and more elaborate, with plaster added to create a surface that could be easily decorated to depict the individuals' life. A lifelike portrait of the individual was painted and placed over the mummy's head, with great care taken to make the face as close to the way it was in life.

Wrapped mummies were placed in a "cartonnage," a kind of envelope of about 25 sheets of linen or papyrus soaked in resin, plaster of Paris or gum acacia and placed over the body when still wet. This material would be pulled together and cinched in the back create a tight fit that dried to create a hard surface that would be covered with a thin layer of plaster that was painted with a human head or other images. The body within the cartonnage would also be surrounded by a number of wooden boxes made of cedar or sycamore. The position of the body in the coffin also changed with time. Initially, bodies were placed in the coffin on their sides, with a pair of eyes painted on the outside of the coffin to signify the position of the body inside. The final external container for the mummy varied according to the fashion of the day. Early on, the outermost wooden case might be shaped like a house with a roof for a cover in one era. Later, it was more likely to be shaped like a human form (called mummiform).

If the individual had a broken leg or other obvious disability or injury, it would also be tended to. Bed sores were packed with resin-soaked linen and covered with animal hide. Broken legs would be supported with a splint. A crooked spine might be straightened.

Important or wealthy people's bodies might be painted with a thin layer of gold (gilded). The gold might cover the whole body, or, more commonly, portions of the body, such as the face, fingers, toenails and genitals. After this, the body would be covered with a sticky paste of fat mixed with resin, and bandaging would begin.

Perhaps as early as 900 BCE, the Guanche lived in the Canary Islands, a small cluster of islands in the Atlantic Ocean. Fabled to be the descendents of Atlantis, the lost continent, the Guanche embalmed only the most important members of their society, using a flint knife to cut the lower abdomen and take out the intestines, which were cleansed and returned to the body along with salt and herbs, which also covered the cavity. The body would be covered with fat, resin powder and pumice, and dried in the sun or placed by a heat source, with arms positioned according to the body's gender; men's arms down at the sides, and women's across the stomach. Guanche embalmers were also gender-specific – only male practitioners could attend to men's corpses, and female practitioners to women's corpses.

In some cases, the body was dried in the same manner described above, but, additionally, a corrosive substance, likely the juice of a local plant, was inserted into the wall of the abdomen or poured down the throat,

producing a special type of mummy called “xaxos,” the knowledge of which may have originally come from Egypt. These mummies were distinct from others as the flesh of their bodies appeared perfectly preserved – wrinkled and a deep tan color, but forming a hard, dry, unmovable surface. Xaxos bodies show no sign of decay, very minimal shrinkage in body size, and are incredibly light. A body measuring about 5½ feet in length might weigh only 7 or 8 pounds.

Guanche embalmers were responsible for watching the body and protecting it from vultures during the drying period of a little over two weeks. After the drying was complete, the family would take the body with them and sew it a cover made from animal skin. Nobility were placed in hollowed out juniper logs, which served as coffins, and which were housed in special caves. Unlike Egypt, where embalmers had enjoyed high status, Guanche embalmers were paid well but suffered the taint of personal pollution by the nature of their work. Their touch was considered contaminating, and they lived far from the rest of the community.

Some indigenous North American populations (Native Americans) who preserved the corpses of their leaders after death used a singular process in which the skin was removed all in one piece. The procedure began with an incision in the back, followed by removal of the flesh from the

bones, leaving the skeleton intact, with the sinews still connected to the bones. All the flesh was removed from the bones, and dried thoroughly in the sun. The bones and skin were also dried in the sun, but the skin was painted with fat first to reduce shrinkage. After drying in the sun, the skin was placed on a mat and housed in a special building on a high shelf where it remained clean and undisturbed until the funeral. At that time, the bones were replaced in the skin and a powdery white sand was used to fill in the natural contours of the body. Once the skin was sewn up, the body was said to look much as it did in life, according to witnesses. The flesh that had been taken off the body and dried was sewn into a basket and placed at the feet of the corpse.

More than 100 years ago, the people of the Aleutian Islands and Kodiak Archipelago preserved their dead by removing the internal organs through an incision in the pelvic area, with the resulting cavity filled with dry grass. The body was placed in a cold stream where the icy water stripped the body of fatty tissues. The corpse would be manipulated into the fetal position, with the knees immediately under the chin, and the arms wrapped about the legs. In some cases, bones had to be broken to achieve this posture. Once formed into this shape, the body was dried in the sun and wrapped in animal skins.

Embalming during the Renaissance

During the Dark Ages (also called the Middle Ages), a historical period lasting from about the 5th to the 15th Century ACE, the law had typically prohibited medical schools from acquiring corpses for anatomical study and dissection. What was little known at the time is that cases of embalming, while few in number, did occur. Most of the people preserved were royalty or held another elite status, such as members of the clergy. The information was kept secret, not known by the typical European nor publicized in any way. The methods used were very similar to the ancient Egyptian methods (and were likely taken from ancient descriptions in historical documents), except that the process was speeded up considerably. It was generally done to preserve the body for burial purposes, and was typically performed where the death occurred. A pope, bishop, countess, and princess were among the elite group of individuals embalmed during the Dark Ages, but this was not generally known until the 1500s.

Within this period, from 1095 to 1291 ACE, the Christian nations of Europe launched a bloody campaign, known as the Crusades, in an attempt to capture the Holy Land, initiating a series of military campaigns against Moslems and many other religious and cultural groups. It was a time when many, many members of nobility and military leaders died in battle, far from their homes. As preservative methods were unknown to the vast majority of people, bodies of importance would be disemboweled, and the flesh cut off. Bones were boiled until soft tissues came off the bones, and the bones would be dried and wrapped in animal hide, to be returned to their home nation by couriers.

The Renaissance, the historical period that emerged from the Dark Ages, marked a period of increasing freedom in the study of anatomy and medicine, historically indicated when Frederick II, a Sicilian king in the early 1300s, granted authority for dissections to be carried out and even delivered a number of executed criminals to a medical school in Bologna, Italy, for the procedure. In those days, dissection had to

be a speedy process, typically performed outdoors in the cold in front of a large group of anatomy students or other spectators. The supply of bodies for study, however, never matched demand, and medical students, along with many other culprits, were known to steal bodies from cemeteries or the gallows and work with them for the short time before they were too decayed to be useful.

In 1300, Pope Boniface VIII issued an order that prohibited corpses being cut into pieces for transport or burial, warning that those who broke the rule would be excommunicated. Now, those killed in battle needed to find a new way home, at the same time that anatomy students needed a preservative that would allow a more careful and lengthy examination of a body without the worry of decomposition.

It was clear that some form of drying the body would be necessary, and there had already been some experimentation exposing cadavers to the heat of the sun and ovens. It was also discovered that warm air pushed through the blood vessels would clean them out and dry the tissue surrounding them. Additionally, practitioners had been experimenting with the injection of different substances into the body, which was facilitated by the invention of better injection tools. Anatomy students learned to inject substances into body cavities to make blood vessels more visible for study, and in the early 1300s, in Italy, a colored solution that hardened in the body was developed. Others experimented with injecting warm water, ink, mercury and wax.

The first instruments used for injection included a bladder, which held the solution, attached to a cannula made from a straw, the quill of a feather, and later, a glass tube. The tubelike section would be inserted in a body opening, and the liquid would be pressed out of the bladder and into the body. Tools approximating a modern hypodermic syringe were manufactured as early as the 1500s. By the end of the century, the first continuous-flow syringe was developed.

Early European embalmers and embalming methods

Ambroise Pare, who lived in the 1500s and was the Royal Military surgeon for two French kings, was best known for devising a method of embalming that became the most commonly used of the era. Like most surgeons of the day, he was responsible for embalming the bodies of military men killed in battle or by natural causes, but he was also well known for developing a technique for controlling bleeding after amputations and his ability to design far better artificial limbs than had previously existed.

The embalmer treating soldiers killed in battle would first remove the heart, which would be embalmed separately, then presented to the relatives, as was the custom of the day. The skull was cut with a saw and the brain removed, and deep incisions were made along the limbs and back and buttocks, where the larger veins and arteries are located, to empty the blood, which was further pressed out. The body was washed with a sponge soaked in aqua vita and vinegar boiled with wormwood, salt and other ingredients. All the incised areas would be

filled with an aromatic, powdery mixture of spices and herbs including chamomile, balsam, menthol, lavender, marjoram, thyme, absinthe, myrrh and sandalwood. The incisions would be sewn closed, and the entire body would be covered with turpentine and rose and chamomile oil, then layered again with the aromatic powder. The body would be wrapped in linen, and placed in a lead coffin, filled with dry sweet herbs. If the herbs were not available, a powder of lime and ashes of oak wood could also be used. It was said this procedure would preserve a body for as long as was necessary.

In the 1600s, two Dutch practitioners developed the method of arterial injection to introduce a preservative substance into the vascular system. **Jan Swammerdam** was trained in medicine but dedicated his career to the examination of insects and small animals. He experimented widely with different substances, finally finding that a mixture of alcohols, turpentine and wax created an effective preservative.

Swammerdam's technique was applied to humans by **Frederick Ruysch**, who used it to preserve entire bodies or parts of bodies, typically for use as teaching aids, but also, in some cases, to restore high status individual's bodies for funeral purposes. His skills were required, for example, when a famous British admiral was killed at sea near Holland and not recovered from the water immediately. There was much concern that his badly decomposed body could not be preserved for travel or restored to a presentable appearance for the viewing at the funeral, but Ruysch was said to have done a masterful job restoring the body to a natural appearance and color. His refinement of Swammerdam's techniques remains something of a mystery, and it is suspected that he may have used some amount of arsenic in his formula.

The British Isles

The British Isles developed different techniques than those most popular in the Netherlands. The Company of Barber-Surgeons, the medical association of the day, was given the sole authority to embalm and perform anatomical dissection in England, but others also engaged in the practice.

William Hunter was born in Scotland but found success as an obstetrician in London, where he was appointed physician-extraordinary to Queen Charlotte of England in the mid-1700s. His most critical advice for students was to begin the embalming process within eight hours of death in the summer and 24 hours in the winter. He taught the following embalming method for purposes of funeral viewing and anatomical study:

The first step was injection of the femoral artery with a combination of "oil of turpentine," "Venice turpentine," chamomile and lavender oil, and vermilion dye, used until the skin took on a rosy appearance. The body would remain untouched for a few hours, after which the thoracic and abdominal cavities were opened, the viscera removed, and the liquid pressed out of them. The viscera itself would be injected and immersed in camphorated spirits of wine, then returned to the body along with a powder made of camphor, resin and niter. This powder would also be inserted into the eyes, ears, nose and other cavities. The skin of the entire body was rubbed with rosemary and lavender oil and the body was placed on a bed of plaster. Bodies used for anatomical study would be placed in a box for a period of about four years and checked for decomposition. If some was noted, the body was placed on a bed of gypsum.

Both Hunter's brother and nephew were also prominent embalmers. The nephew, **Matthew Baillie**, modified the methods used by his uncles to provide comparable preservation in a shorter period of treatment. He used the same solution, similarly injected into the femoral artery, then left undisturbed a few hours. At that point, however, he made a small incision in the bowel and introduced water through a small tube to wash out the contents of the bowels. He also ligated the rectum and small bowel and filled the intestinal tract with camphorated spirits of wine. The lungs were also filled by way of the trachea. The bladder was emptied and refilled with a powder of camphor, resin and niter, and it

Stephen Blanchard, also Dutch, published a book about dissection, extolling on this new method of preservation called "embalming" in a 1688 text that mentions the use of spirits of wine and turpentine as preservatives, with diagrams of the necessary instruments for introducing the liquid into the body. His first step in one of the descriptions requires that the intestinal tract be flushed with water forced into the mouth and out through the anus, followed by spirits of wine, which are blocked from flowing out the rectum and maintained in the body. Large veins and arteries were also opened and blood was flushed out with water, then also injected with spirits of wine. This the first written account of a technique that includes the injection of the blood vessels for embalming purposes.

Secret formulas for embalming fluids were not uncommon. A successful Flemish embalmer named **Ludwig De Bils** was particularly secretive and concerned about his competitors stealing his formula. Unbeknownst to him, one of these competitors, a German physician named **Gabriel Clauderus**, visited De Bils' anatomical museum and touched one of the preserved bodies with a moistened finger. Later, he tasted it, and found it had a salty flavor, suggesting a large portion of the formula might be salt. De Bils never did disclose his methods, and Clauderus went on to publish a method of embalming that did not require evisceration but used a mixture of "ashes of tartar" and "sal ammoniac" dissolved in water, a potion he called "balsamic spirit." He would inject the fluid into all the body cavities and immerse the cadaver for a period of up to two months, then finish treatment by drying the body in the sun or other heating source.

was layered on the viscera before closing the incision. The eyeballs were pierced and emptied, then packed with the powder mixture, along with the mouth and ears, then the skin rubbed down as above.

In the mid-1800s, **John Morgan**, a professor of anatomy at the University of Dublin in Ireland, formally established two principles for producing the best embalming results: injection of the solution into the largest artery possible and use of pressure to push the solution through the blood vessels. He also was among the first to make use of a pre-injection solution as well as a controlled drainage technique. Morgan's method required that the body be opened so the heart was visible, then an 8-inch pipe was inserted into the left ventricle or aorta. The pipe was connected to yards of tubing ending in a fluid container hung above the corpse. The force of gravity acting on the liquid above the body would exert about 5 pounds of pressure, adequate to the purpose of permeating the body.

By the later 1800s, a number of embalming methods were becoming more common in other parts of Europe. In Italy, the practitioner **Tranchina**, from Naples, used and promoted solutions using arsenic, which he injected into the arteries for funeral viewing and anatomical study. He typically used 1 pound of arsenic mixed with 5 pounds of an alcoholic wine, some of which would be injected into the femoral artery without any previous removal of blood. In some cases, he injected the fluid into the right common carotid artery so that the solution would permeate the head as well as the body. The lungs were filled by way of the trachea. He would also incise the abdomen to empty the bowel and moisten the area with the preservative solution. According to records, the body would be completely dried in six weeks.

Gerolamo Segato of Florence, Italy, was said to have turned a human body to stone by introducing silicate of potash into the body tissues, followed by immersion of the body in a weak acid solution. The specific details are unknown, but the story appears to have a factual base.

Jean Nicolas Gannal, who began his career as a pharmacist's assistant, became a highly revered inventor and expert in the field of chemistry. In 1831, it was requested that he find an effective way to preserve bodies for anatomical study. After much experimentation, he found a formula of 6 quarts of a solution of aluminum acetate, administered through the carotid artery, preserved the body without the need to drain blood or eviscerate. In some cases, the bodies would be immersed in this solution until they could be dissected. When used for funeral presentation purposes, the process was the same, except that Gannal would add a small amount of arsenic and carmine to the original solution, about 2 gallons of which would be injected upward, then downward, in the carotid artery. A number that were disinterred over a year later were said to be in exactly the same state as on the day of burial.

Gannal worked on a number of famous cases for the Paris police, preserving murder victims so that some information about the death or the murderer might be discovered. He was also associated, indirectly, with the passage of the first law prohibiting arsenic in preservative materials, which occurred in 1846 when his use of arsenic became

a complicating factor in a high-profile murder case in which arsenic was thought to be the poisoning agent. Additionally the medical community was concerned about the potential risk of poisoning to people handling the body.

In the mid-1800s, **J.P. Sucquet** advocated the use of zinc chloride as a preservative, using about 5 quarts of a 20 percent solution in water, which he introduced into the body through the popliteal artery and the abdomen. Rights to this very successful method, proven to keep a buried body in excellent condition for at least two years, were sold to two Americans, **Charles D. Brown** and **Joseph Alexander**.

Richard Harlan, an American medical doctor who met Gannal, and was presented with his book, "History of Embalming," was so taken with it that he requested permission to publish the book in English in the United States. Embalming practices traveled relatively quickly from Europe and the United Kingdom to the United States, in part due to the publishing of Gannal's book in Philadelphia in 1840, and in another part due to the fact that Sucquet's embalming methods and materials had been purchased as a business venture by two savvy doctors from New York – Brown and Alexander. Most significantly, however, the history of embalming in the United States was changed by the onset of the Civil War, in the year 1861, which increased the demand for an effective way to preserve bodies for funeral purposes.

Early American embalmers and embalming methods

At this time, in the U.S., there was almost no embalming of the dead for funeral purposes. Preservation of the body typically meant the use of ice, which required cold weather. At the beginning of the Civil War, no plans were provided for returning the fallen to their homes. In previous battles against the Native Americans and during the Mexican-American War (1846-48), the military dead were buried where they fell in battle. In the early days of the war, family members were able to claim the deceased by themselves by going to the hospital or battlefield and bringing the body home for burial. When battles were far from the troops' homes, the process of returning the body to the family became far more difficult. In some cases, the remains would be returned to family members if they had formerly requested it and could arrange the transportation of the remains back to the troop's home state, but this was often a very difficult thing to accomplish.

At the same time, there was great concern about the dangers of contact with dead bodies and fear of contamination. People who worked with decomposing bodies in cemeteries and churches became ill, but no one understood the mechanism by which this occurred. Embalming, it was thought, would make handling corpses a much safer venture. Concerned with these issues, President Lincoln directed the troops to use embalming to allow the return of the Union dead to their homes. As it never became a policy in the South, virtually all those embalmed during the Civil War were Northerners.

Initially, the process for embalming called for arterial embalming when possible, usually injecting the femoral or carotid, without drainage or any cavity treatment. If the nature of the wounds or degree of decomposition made arterial embalming impossible, the trunk would be eviscerated (if necessary) and refilled with sawdust or powdered charcoal or lime. Then the body would be placed in a coffin entirely filled with sawdust for transport home.

Embalmers of the time utilized a variety of methods and solutions and manufactured all their own chemicals, including arsenic, zinc chloride, bichloride of mercury, aluminum salt, sugar of lead, and a variety of salts, alkalis and acids. To make zinc chloride, practitioners would immerse sheets of zinc in hydrochloric acid until the necessary solution was achieved.

Dr. Thomas Holmes, born and educated in New York, became one of the most well known names in the field through his experience in the war. As a coroner's physician in the 1850s, he had experimented

with a variety of different chemicals and embalming techniques. He developed a very effective solution (which he later marketed as "Innominata"), that he used to embalm the first prominent military figure killed in the war (in 1861), a young colonel named Elmer Ellsworth. Funeral services were held in three different cities, requiring that the body travel a lengthy distance before burial in a fourth city. His appearance was discussed favorably in the press, providing a good introduction of embalming to a previously uninformed public.

This series of viewings of the body became something of a tradition, and was repeated with other war heroes, culminated with slain President Abraham Lincoln. Holmes also embalmed the next colonel who died in the war. His body also toured the country to be viewed with great publicity before the funeral. By 1864, all deceased patients at the Washington, D.C., Military Hospital, Holmes' headquarters, were routinely embalmed and the grave marked so that the body could be disinterred and sent to the family, if desired.

In all, it is estimated that Holmes prepared more than 4,000 bodies during the war.

After the war, Holmes turned to business, selling "Innominata," his embalming solution, to interested undertakers. While he found that undertakers were intrigued by the preservative qualities of his product, they did not have the surgical skills required for common embalming techniques. Holmes, followed by others in the field, found that they could sell more of their product by emphasizing its disinfection qualities, the fact that it could be used for external applications, such as washing the body and face, and could also be easily poured into the mouth and nose to permeate the lungs and stomach. Holmes also patented many embalming-related inventions, such as a canvas corpse removal bag that was coated in rubber, and an innovative injection method that improved on the hypodermic syringes currently available that needed constant refilling. In some cases, a pump that provided continuous flow would be used, but it was rare during this time.

Dr. Richard Burr became famous as the embalmer photographed by Matthew Brady in front of an embalming tent near the battlefield. Despite this claim to fame, Burr had not been happy with Brady's presence, even accusing him of accidentally setting fire to the embalming tent. Unfortunately, Burr, along with a number of other embalmers employed by the military, also gained a reputation for poor service and inflated costs, according to many complaints. In

response, Gen. U.S. Grant ordered that all embalmers be excluded from military areas until he had come up with a reasonable set of rules and regulations, which became the first step toward the licensing of embalmers and undertakers.

A U.S. Army General order stated that only those with special licensing by the army would be able to remove bodies from the field or embalm. Those who wanted to work as embalmers for the military had to post a performance bond and had to furnish a list of prices for materials and labor to the appropriate military officials. Applicants for license were also required to describe the process and materials used as well as the length of time the preservative would be effective, and documentation or evidence to support their claims.

In some places, specific prices were dictated. For example, in Tennessee and Alabama, the following fees applied:

“Embalmers must post a bond of \$1000 guaranteeing skillful performance of work. Disinterment (only between the middle of October and the middle of May) for a price of \$15. Furnish metal burial cases, marked and dropped off for express service for a price of \$75. Zinc coffins an additional \$40.”

The following men are a small number of the many innovators who contributed to the evolution of embalming around this time:

The early profession

The Civil War and assassination of President Lincoln had familiarized the general public with the concept and appearance of an embalmed body, but embalming was still comparatively rare. The profession was poorly organized, had no formal schools or training programs, with little uniformity in embalming techniques. Patents for chemical embalming fluids showed that many used mercury and arsenic.

Most companies employed traveling salesmen who also demonstrated the products they were selling. The man who sold you preservative

- **Daniel Prunk** went to college and medical school in Ohio, practiced medicine for a number of years, then signed up for service as an assistant surgeon for the Volunteer Infantry in 1861. Licensed by the army in 1865 to practice embalming and undertaking, he set up locations in Tennessee, Georgia and Alabama. Prunk’s embalming formula used zinc chloride, to which he added arsenious acid, which was injected warm with no dilution or blood drainage. Prunk wrote one of the earliest descriptions of cavity treatment that advised puncturing the stomach to allow gases to escape, especially important, he noted, when shipping a corpse a long distance. He also recommended that an individual with a large abdomen and discolored bowel have fluid introduced into the peritoneal cavity, and described an ingenious method of using a silk string like a drawstring to close the cavity once injection was complete.
- **Benjamin Lyford** was an embalmer during the Civil War who patented a complicated embalming system in 1871 that required that the body be enclosed in a sealed container that would be emptied of air by a pump. He was one of the first embalmers to recommend that cosmetics be used to normalize the facial features.
- **G.W. Scollay** patented a method of embalming just after the Civil War that involved the use of gaseous compounds injected through the vascular system, and was one of the earliest proponents for a gaseous rather than liquid preservative.

fluids would also instruct you in the technique of arterial embalming. They might sell other items also. Here is a list of prices for embalming tools and materials from 1877:

- Rubber gloves – \$2 pair.
- Anatomical syringes with three cannulas in a case – \$22.
- Surgical instruments in cases – \$5.
- Wax eyecaps and mouth closers – \$1 each.
- Embalming fluid – \$5 for 12 pint bottles (might also be available in 10-gallon kegs at \$3 per gallon).

Noted embalmers and publications

Until the early 20th century (the 1900s), embalming usually occurred in the deceased’s home, or perhaps at the hospital. But as early as the 1870s, two professional journals, *The Sunnyside*, established in 1871, and *The Casket* in 1876, highlighted funeral homes that had morgues with appropriate facilities for embalming, including running water and

cooling rooms. These magazines, which also presented advertisements for embalming products and tools as well as articles of interest to those in the funerary business, depicted the funeral home of the future as one that would meet a range of needs, a place for preparation of the body, viewing, services and burial.

Renouard

Dr. August Renouard, a regular contributor to *The Casket* and eventually renown as an embalming expert, was originally a bookkeeper for a furniture store and undertaking establishment in Colorado. Renouard was responsible for the transportation of bodies back east and south for burial and soon saw the need for an effective way to preserve bodies. He requested permission of his employer to arterial embalm the bodies before shipment, and his work received instant acclaim from the undertakers around the country receiving the bodies, which, it was said, appeared to be sleeping. Renouard was not shy about marketing his chemical formulas and methods, and it was not long before undertakers around the country were happily purchasing his products.

Renouard developed a popular correspondence course and provided personal instruction in embalming, but no instructional textbook of undertaking and embalming was yet widely available in the U.S. Because of his expertise and public acclaim, the management of *The Casket* asked him to write a book that could be used as a practical guide. “*The Undertakers Manual*,” published in 1878, was a detailed 230-page compendium of anatomy, chemistry and embalming information, with instructions on practice and descriptions of available instruments and equipment.

In 1880, Michigan became the first state to form an undertakers association. In 1881, it changed its name to the Funeral Directors Association, and other states followed, organizing similarly under the same name. In 1882, representatives from all the state associations met in Rochester, N.Y., and formally founded the National Funeral Directors Association, a significant step in the professional growth of the field. Renouard himself provided demonstrations of embalming at the first national convention, which set the precedent for embalming demonstrations at state and national meetings afterward.

In 1894, Dr. Renouard moved to New York City and founded the U.S. College of Embalming. The school was unusual in that each student would remain enrolled until he was able to embalm with what were considered sufficiently professional skills. Renouard’s son, also an embalming instructor, worked at the training school for many years.

Renouard’s special embalming fluid, it was advertised, would not harden the body, but would make it firm and preserve features in a lifelike manner, providing a natural color to the face. Further, it was noted, the solution was not affected by freezing, would not injure the hands, was a powerful antiseptic and disinfectant, and contained no arsenic, mercury, zinc or formaldehyde.

Clark and Sullivan

Joseph Henry Clark, born in Indiana in 1840, was initially employed as a casket salesman who began to sell embalming fluids as a sideline. He found sales were greatly facilitated by a demonstration of embalming methods, as it helped end-users understand how to properly utilize the materials to get the desired effects. He enrolled in an anatomy course in Cincinnati to begin learning the necessary information, working closely with a Dr. C.M. Lukens, and eventually founded the Clarke School of Embalming at Cincinnati in 1882. Initially, the school was more like a traveling show, as Clarke traveled most of the year, providing instruction around the country. In 1899, the school's name was changed to the Cincinnati College of Embalming, and Clarke became a permanent lecturer at that location. He was considered an excellent instructor and writer, and held a number of patents associated with embalming.

Felix Sullivan, born in Canada, was the son of an undertaker who came to the United States to enlist in the New York Calvary during the Civil War. Deserting service near the end of the war, Sullivan worked for a number of casket companies in New York, eventually becoming a funeral director and studying anatomy, then a skilled embalmer. Sullivan saw how successful Clarke's course had become, and enrolled in it in 1882, then proceeded to create his own course of instruction patterned after it, which also sold successfully. He became Clarke's greatest rival.

Sullivan was never in one place of employment long and was known to have a volatile temper, but became famous as an expert embalmer in a number of famous and difficult cases. A "mad bombing" in Chicago that took a number of lives required Sullivan to restore members of the police and one of the bombers, who had had a dynamite cap explode in his mouth. The other bombers were hung, and all the dead were prepared by Sullivan, who was highly praised for their natural appearance. Sullivan lectured and demonstrated embalming before large classes in many cities, but was censored for a period after he was found in a compromising situation with a woman who was not his wife, and was charged with wife and child desertion. After treatment for alcoholism, he returned to a successful career.

Clark and Sullivan disliked each other intensely, at one point becoming enmeshed in a heated conflict regarding Ulysses S. Grant's embalming. Clarke had been contacted to handle the embalming by the undertaking company arranging the funeral, but was ill on the day of the death and bedridden for a number of weeks. Another member of the undertaking company completed the embalming instead, using Clarke's proprietary embalming chemical. After the body was embalmed, Gen. Grant's clergyman and Felix Sullivan arrived and insisted the body be re-embalmed. Sullivan claimed to pull out all the fluid previously injected and replace it with the fluid made by the company he represented. Sullivan was also called in to re-embalm President Garfield after the first procedure was considered inadequate.

The Dodge family

Two brothers, **George and A. J. Dodge**, originally in other businesses, found themselves the owners of the Egyptian Embalming Chemical Co., in repayment of a debt owed them. They took to the new venture with interest, studying anatomy and chemistry, then deciding to go to Boston to learn embalming. Both became practitioners, with A.J. becoming particularly well known as an embalmer, teacher and author of embalming texts.

In 1839, both brothers resigned from the Egyptian Chemical Co. and purchased the Oriental School for Embalming, a traveling school with headquarters in Boston. Two years later, the Oriental school was renamed the Massachusetts College of Embalming. A.J. eventually left that institution to found the New England Institute of Anatomy, Sanitary Science, and Embalming, a nonprofit educational institution.

A.J.'s previous training in chemistry made him aware of the importance of research, and he was always thinking of ways to improve existing products and techniques. In 1921, his company began publishing an industry journal called The Dodge Magazine. Dodge seminars soon became important parts of many funeral director and embalmers' educations, and introduced the idea of a full-service funeral home. A.J. Dodge's son, Walter, opened the Dodge Chemical Co. in Detroit at the same time his father was opening one in Boston. A younger son joined as a salesman, and the company expanded, branching into all parts of the U. S. as well as Canada. By 1982, it existed in Mexico, Europe, Australia, New Zealand and Japan.

Other noted embalmers

The early 1900s saw the first significant move toward creating systematic treatments for unsightly injuries or disease. Around this time, a New York embalmer named **Joel E. Crandall** developed a restorative art technique specific to head trauma that was adopted into some embalming program curricula. He will be discussed further in the section, "Restorative Art," below.

Carl Lewis Barnes was born in Pennsylvania to an undertaking family. He manufactured embalming chemicals, studied medicine and eventually opened an embalming school, but is probably best known for his invention of a number of embalming tools, including the "handless injector" system. This contraption consisted of a collapsible rubber fluid bag, hung in such a way that gravity would force fluid into

the artery or vein, and pressure could be increased further by pressing the bag. He also developed the "Kant Slip Arm Plate," a tube holder and shut-off device in one, which strapped to the arm below the point of incision to hold the arterial nozzle and rubber tubing in place.

While women were much less likely to be employed outside the home in this era, embalming was not an uncommon profession for women, with a number reaching great prominence in the field. The Bernard School of Embalming in New Jersey was founded by **Mrs. E.G. Bernard**; **Linda D. Odou** founded the Odou Embalming Institute in New York City; and **Lena R. Simmons** founded the Simmons School of Embalming in Syracuse, N.Y.

Modern inventions

Since the development of arterial injection of the blood vessel in late 17th century, little else has proven more effective to prepare the body. There have, however, been experiments with a great variety of methods and materials. In one “shocking” method, electric current was applied to a corpse in attempts to mimic the effect of lighting. It was not a success as a corpse apparently does not effectively conduct an electrical current and therefore cannot produce the contraction of small muscles that might restore normal color to discolored areas or prevent further blood coagulation, as was hoped.

A machine that vibrated the body to facilitate the removal of blood was a sensation for a short time, but sometimes had the disadvantage of moving the body from one end of the table to the other, or shaking instruments so violently that they could not be useful.

Early in the days of modern embalming, with the advent of arterial injection, there was some concern about the trunk viscera. Should it be removed and preserved separately, then replaced? This typically required immersion of the organs in a preservative powder or liquid, and additional powder or liquid placed in the cavity after replacement of the organs. The alternative method was to keep the trunk intact and treat it with the same preservative solution, introduced directly into the trunk cavity as well as through immersion of the body in the solution.

In the mid-1870s, the invention of the trocar by Samuel Rodgers helped to usher in a new system for treatment of the cavities. The trocar was patented in two forms, with the latter issued specifically for a system of embalming that included the introduction of the trocar into the navel so that a preservative could be distributed to all the organs of the trunk simultaneously. Rodgers also suggested the cavity treatment be followed by injections into the limbs, also using the trocar. The trocar’s ease of use made it appealing to those who felt uncomfortable performing arterial embalming, which required more anatomical knowledge and dexterity. For a brief time, there was some conflict between the “bellow punchers” who treated the cavity with the trocar,

and “throat cutters” who chose to embalm arterially. Unfortunately, both systems might fail singly, but would successfully work together, so, eventually, the two systems were combined, with initial arterial injection followed by treatment of the cavity.

As more embalming was performed in the funeral home, more professional devices became widely available. The vast majority of embalming pumps or injectors in the late 1800s utilized gravity. One popular device was the gravity bowl, which utilized a container hung above the body and connected to the arterial tube with rubber tubing, with the height of the bowl determining the amount of pressure exerted. Unlike the hand pump, which required constant manual pumping, the gravity bowl could be continuously filled, and therefore did not require the constant attention of the embalmer or an assistant. By the mid-1930s, electric-powered injection machines were popular, with the fluid often gravity-fed to the pump. These machines were increasingly substantial, often made of metal and culminating in the “Porti Boy,” in 1939, the most popular injection machine in history, only to be surpassed in the 1960s by extreme high-pressure injection machines, such as the Sawyer.

New embalming equipment, such as a battery-powered electric pump that injected embalming chemicals, a jaw closer, and a plastic screw-like device called a trocar button were invented in the first few decades of the 1900s. The trocar button successfully provided a waterproof seal for trocar punctures or more exotic wounds, such as bullet holes.

As embalming in funeral homes became more common, more were designed with a reliable water source that could be used to create the necessary suction for aspiration. In many cases, a trocar was connected to rubber tubing that was attached to a sink faucet. In the 1950s, these methods were abandoned in favor of electric aspirators that provided more reliable suction and pressure than water, which might lose pressure in periods of high water use.

The pros and cons of formalin

The use of highly poisonous chemicals with attractive characteristics has long been debated in the field of embalming, with many choosing to expose themselves to an unknown degree of risk. At the end of the 1890s, embalming fluid advertisements were introducing the ingredient formalin, a saturated solution of formaldehyde combined with other ingredients. While not wholeheartedly welcomed, it became the standard, while other preservatives with appealing but dangerous qualities, like mercury and arsenic, were prohibited.

Certainly, formalin formulas had drawbacks: Formalin-based fluids, embalmers soon learned, required special handling and use to provide the desired results. For example, blood had to be removed and washed out of the body before injection of the preservative. Also, they found, it was critical that the body be properly positioned before the injection, as hardening made it very difficult to model the hands or limbs into a natural position. In cases of jaundice, formalin might react with bile to produce green skin.

The primary criticism of formalin fluids, however, was the concern associated with inhalation of formaldehyde fumes, which commonly caused mucosal irritation, or formaldehyde absorption through the skin, which was known to cause skin irritation. Other potential risks were relatively unknown at the time, but it was assumed that environmental management of the workplace (better ventilation, use of gloves, masks, and so on) could reduce known risks to a reasonable level.

As embalming moved from the bedroom to the funeral home, there were better ventilation systems and more refined formaldehyde solutions to address some of these early problems. Increasingly, specific formulas of preservative were developed for specific uses. In the 1980s, a number of national organizations developed regulatory guidelines for the embalming industry. The Federal Trade Commission (FTC) and Occupational Safety and Health Administration (OSHA) adopted rules regarding embalming procedures, and OSHA provided regulatory guidelines outlining necessary protection for funeral home personnel. The Environmental Protection Agency (EPA) also regulated the industry, issuing rules concerning the use of formaldehyde by embalmers. Because of the potential risk of formaldehyde to the safety of those who work with it, there is a long history of investigation into other materials or methods that preserve as well. While a number of companies claim to have found alternatives to formaldehyde that are equally effective, none appear to have taken its place.

A recent study published in the Journal of the National Cancer Society reviews new data regarding formaldehyde exposure and is currently prompting all the regulatory agencies listed above to review and revise their guidelines for formaldehyde exposure in the workplace (see Part II: Is Embalming Dangerous?).

A formal curriculum

As funeral services became more encompassing and funeral homes more common, commercial companies developed to meet the new needs of embalmers and funeral directors. The research in this subject area was typically referred to as “mortuary science,” with the discipline developing to such a degree that by the end of the 1800s, trade journals with technical and marketing information were surprisingly widespread. Chemical companies employed lecturers and demonstrators as salesman, and, throughout the 1800s, many undertakers who wanted to learn to embalm did so by taking a period of a few days to attend sessions of traveling schools, sponsored by these embalming chemical companies. These courses typically covered only the most basic skills, given the short amount of time. Many undertakers also turned to home-study courses.

After the Civil War, training often occurred in funeral homes through a type of assistantship or apprenticeship. Each funeral home might experiment with its own materials, tools and techniques, passing down what worked in a system of trial and error, with many unique systems. To ensure safety in the profession as well as satisfaction for

the bereaved, standardization in materials and techniques became a priority. By the early 1900s, schools of mortuary science were just beginning to develop a common standard for coursework and examination. It was also about this time that the first dedicated embalming schools opened.

In 1927, the first mortuary school accreditation was created by the Conference of Funeral Service Examining Boards, a collection of the existing state licensing boards. The National Council on Mortuary Education was established in 1942 by the National Funeral Directors Association and the National Association of Embalming Schools and Colleges. Basic course content for anatomy and embalming and the mortician’s oath were initially drafted in 1948. The development of standard curricula was complicated by the fact that each individual, trained in a different manner, might complete a task in a different fashion with different tools and materials. Review is ongoing to assure to the greatest extent possible that only the safest, most effective products and methods are used. The American Board of Funeral Service Education continues to review and amend the required course content.

Modern restorative art

Modern restorative techniques (renamed “restorative art,” in the 1930s) became an important sub-discipline of aftercare services in the early 1900s, filling a critical need in cases where the body exhibits obvious signs of trauma or disease, or battle wounds from war. Modern restorative art plays a role in comforting the bereaved by presenting family members with a loved one who appears as familiar in death as in life.

In 1912, the subject gained a name and a formal progenitor in an issue of the New York Sunnyside, a popular trade journal of the day. Joel E. Crandall, a well-known embalmer, introduced “demisurgery,” which he described as “the art of building or creating parts of the body which have been destroyed by accident, disease, decomposition or discoloration, and making the body perfectly natural and lifelike.”

Increasingly, the science of demisurgery became a necessary part of the funeral professional’s toolkit. Five years after Crandall introduced the service in the Sunnyside, another professional journal, *The Casket*, noted the necessity of making bodies “presentable” as an integral part of the responsibilities of the embalmer and referred to Joel Crandall as the only person competent to teach the necessary techniques.

Initially, Crandall was simply a traditional embalmer, albeit a highly skilled one. In his early 30s, he began to record his experimental methods in repairing mutilated bodies, techniques he had refined over the past decade. Initially, he had used materials common to funeral sciences at the time, such as plaster of Paris, but found it inadequate for his needs. While it could be used to fill deep underlying areas close to bone, it could not be used as he wanted, to fill in damaged or missing skin. Instead, Crandall learned to create waxy putties and concealing cosmetic preparations to mimic the look of intact healthy skin.

His early work focused on bodies mutilated so beyond recognition that family members and undertakers usually felt they could not be viewed. Largely by trial and error, Crandall addressed the problems encountered in mutilated bodies with solutions that are used, with some adaptation, to this day. One of his learning methods made use of plaster “heads” that were damaged and repaired, a practice adopted by embalming school laboratories and used until quite recently.

While Crandall may not have been the first to use hidden stitches to close cuts or remove pieces of skin or other tissues that interfered with the natural presentation of the face or body, he was among the first to formally include such methods in the category of restorative technique. Part of his skill was due to his manufacture and development of innovative instruments and materials, including a demisurgical grip that included a set of basic instrument and brushes as well as cosmetic

preparations, false hairpieces (including prefabricated mustaches and eyelashes), and preformed wax facial features that could be modified by less skillful embalmers or technicians.

Crandall’s first step in restorative work was always to study a recent photograph of the deceased. One of his most famous cases was Col. Jacob Astor, a passenger on the Titanic. He and others pulled from the sea in 1912 were taken by way of Nova Scotia to New York for burial services. Given the amount of time the body was in the water and the delay in treating the corpse, the job was substantial. Crandall was able to restore Astor’s discolored face to a natural appearance with the use of cosmetics, allowing the casket to be open for viewing.

By 1913, Crandall owned a demisurgical supply company, a school in New York City and an undertaking company in New Jersey. Over the next decade, he lectured on the subject of demisurgery at the Demisurgical Institute of New York and developed a correspondence course. In 1917, some of Crandall’s restorative techniques were filmed to be shown at conventions for teaching purposes. This led to a popular lecture circuit. Unfortunately, much of this information has been lost or was never formally published.

A number of embalming schools at the time claimed to teach aspects of restorative arts, and some argued that Crandall was not the founder of the science of demisurgery, as he claimed when he opened the Demisurgical Institute of New York in 1918. Schools in Boston, Cincinnati and New York stated that the subject was a part of their curricula for years, although, if it was covered, it was not promoted in any of the advertising or published list of subjects covered until 1912. By that year, Crandall was already an established leader in the field, lecturing on demisurgical techniques at the New York State Embalmers Convention.

Called names including “dermasurgery,” “plastic surgery,” “plastic work,” “derma sculpture” or “artistic embalming” (“demisurgery” was too closely associated with Crandall’s empire), many prominent embalming schools began to teach courses on restorative techniques, providing information on decoloration and specific postmortem surgical procedures. Not everyone in the field of funeral services agreed. C.A. Renouard, for example, felt, as a matter of principle, that cosmetics and, in many cases, surgical procedures should not be used. Many years later, however, near the end of his life, he changed his mind, even recommending courses in restorative art to students and colleagues.

While specific details of Crandall’s techniques are incomplete, it is likely his influence that spurred many embalming schools to

incorporate some type of restorative art into their curriculum, as it became more expected and desired by consumers. By 1918, effects of World War I were causing people to ask whether demisurgery had applications for U.S. war casualties. Crandall felt that all war dead should be embalmed as soon after death as possible, so they could be restored later at the necessary time and place for a memorial service.

One of the most striking impacts Crandall made in the field was his use of before and after photographs, showing his repair of mutilated bodies. Numerous cases were quite severe, requiring substantial reconstruction. While an inspiration to many in the field, showing just what could be achieved, there were also those who found the results so impressive that competitors accused him of doctoring the photos. Crandall was incensed by this accusation, requiring all individuals involved with the restoration (including family members, lawyers, the undertaker and photographers, among others) to sign affidavits attesting to the authenticity of the photographs.

Crandall's other great contributions to the field were his confident knowledge that a great many "unpresentable" cases could be restored to viewing condition, as well as his innovations in materials and techniques. The first half of the 20th Century saw a growth in the number and types of products and equipment available, sold by innovative marketing techniques such as before-and-after photos, as well as demonstrations and lectures, like those that had been used to promote embalming decades before. Many in traditional embalming considered the subdiscipline a new art form, and interest in demisurgery, its tools, materials and especially cosmetics soared.

Sales of prefabricated (usually wax) features and assistive materials and tools boomed in the late 1920s and '30s, with a number of companies vying for Crandall's business. These products, such as Eckel's "molding masks," included generic prefabricated eyes or noses that required the individual responsible for the body to do some shaping based on a photo. In the late 1940s, a dental plastic surgeon and instructor of restorative science suggested that a better match for many features could be achieved through the use of family members' features. In other words, siblings or parents who resembled the deceased could be used to

create molds. It was as close to a custom fit as could be achieved, given the very similar size and shape of features in most families.

Some methods developed early in the 1900s are still used today, while others became outdated almost immediately. Methods that once suggested great promise, such as skin grafting from one part of the body to another, never worked as well as hoped. In 1926, the Montez Manufacturing Co. in Michigan developed an electric-heated spatula meant for smoothing and modeling wax and reducing body swelling that held great promise but failed on both counts. It not only tended to make the skin surface too shiny, it also was ineffective in reducing swelling tissues. Most practitioners went back to their previous method, which required a bowl of hot water and an alcohol lamp to heat the spatula to the desired temperature. This too had drawbacks, as it became hard to control when it cooled, which would cause wax to roll and lose its adhesive ability.

The majority of prominent figures in the field in these early days agreed on only a few basic points. Most recommended use of a highly concentrated fluid and completed basic restoration before arterial injection, and taught that a significant waiting period was necessary between the completion of arterial treatment and final cosmetic application. The field was still highly experimental and flexible, with virtually no standardization.

Due to the prevalence of jaundice in the early 1900s for a period of about a decade, there was much in the literature about the difficulty in preparing a body with jaundice. The most commonly used arterial fluids were formalin-based, and turned the body from the original jaundiced tone of yellow to green once embalmed. While there may still be complications with a jaundiced body even today, the issue has been addressed a number of ways, with more or less success. Bleaching solutions such as phenol and chlorine have been tried, but one of the few early successful treatments (according to some) was a treatment by J.H. De Normandie of New York in 1924, who used a secret solvent injected into the carotid artery combined with a topical ointment and the use of hot moist towels on the face. The formula was never revealed.

Famous names, publications, and inventions in early restorative art

In 1915, **Albert Worsham** demonstrated the use of cotton and collodion to fill shallow cavities and build facial features, all of which would then be covered with a layer of wax. Worsham's claim to fame was the restoration of a mangled lion tamer in 1917, in which he had to recreate ears, much of the facial features and both arms, as well as close the ripped-open abdomen. The same year, C. O. Dhonau developed a treatment for addressing swollen or black eyes by pressing out the collected blood using a slit on the underside of the lids, then applying a 50 percent phenol mixture to lighten the area and shrink swelling.

By the mid 1920s, articles on restorative art appeared frequently in professional journals associated with embalming, those of chemical manufacturers and other vendors. A number who contributed to the technical literature were **C.F. Callaway**, who, starting in 1927 wrote many articles, lectured on and demonstrated restorative techniques, as well as **William G. Collier**, who invented restorative wound fillers and wrote articles for *The Casket* and *Sunnyside*. Collier's topics addressed facial cancers, loss of limbs, common procedures and cosmetic techniques. A.O. Spriggs (who worked for the Champion Co.), contributed a series entitled "The Art of Plastic Surgery" that discussed such topics as hidden suturing methods, restorative techniques for gunshot wounds, and the correct injection of fluids. All the articles were eventually compiled into a textbook, published in 1934, called "Champion Restorative Art."

Clarence G. Strub published over a thousand articles and two texts, "The Principles of Restorative Art," a 32-page practical textbook, and "The Principles and Practice of Embalming." Both are the model for modern books on the study because of their clarity and simplicity, and both became primary texts for colleges of mortuary science. Another

seminal work, published in the early 1930s, is **C.O. Dhonau** and **G. Joseph Praeger's** "Manual of Restorative Art," which was also updated in 1955.

In the 1930s, Worsham designed a course including about 30-40 hours of laboratory work that employed mutilated human heads previously used in anatomy and dissection courses. Between classes, these items were stored in preservative fluids, providing real conditions for practice in filling cavities, forming facial features and applying cosmetics. Almost two decades later, in 1948, lab materials had evolved, with the Postgraduate Institute of Restorative Art of Chicago using specially created "mutilated heads" crafted from rubber and plastic, which allowed students to suture, apply wax and cosmetics in a realistic way.

Increasingly, institutions of mortuary science provided more hours of restorative art, but special schools devoted to cosmetic preparation and restorative art also became more common. In 1937, for example, The Embalmers Graduate College in Chicago offered a 30-hour course of restorative techniques and cosmetic application. Along with legitimate programs such as the Chicago college came less authentic educational opportunities. In 1926, Dhonau, a noted expert in the field of restorative arts, called it a scandal that fluid manufacturers were issuing diplomas for demisurgery to individuals who simply attended their free clinics, in the same way that decades earlier, fluid manufacturers were criticized for issuing diplomas to those who had viewed their embalming seminars. Dhonau and others in the field called for professionalism and high standards in restorative art education.

There were still cases in these days of bodies embalmed in the family home without the use of gloves or other protective measures. In some cases, family members attended. The potential risk associated with casual treatment of a dead body became a critical issue for **Edward C. Johnson**, a funeral service professional who became infected during an embalming and nearly had to have a finger amputated. He recovered, and eventually became very well known in the field of restorative art, writing scholarly articles on the history of embalming and funerals in the United States, and founding the Postgraduate Institute of Restorative Art in 1948 in Chicago. Professor Johnson, his wife, Gail, and daughter Melissa – all of whom were licensed funeral directors and embalmers – coauthored his publications and traveled the world with him presenting embalming and restorative art lectures and demonstrations. The family was also critical in transporting the American victims of the Jonestown, Guyana, suicides that shook the world in 1978.

New products introduced in the 1930s helped to revolutionize restorative techniques. There had always been a problem with application of cosmetics over a wax surface, an issue addressed in part by the invention of the airbrush or power sprayer as early as 1911. These devices were originally powered by carbon dioxide cylinders, then, in 1934, by a manually operated spray applicator sold with its own specific cosmetic set. A few years later, an industrial and artistic airbrush equipment manufacturer created an airbrush kit designed especially for embalmers. The Paasche Co. kit contained an electric air compressor, an airbrush applicator for restorative art wax, a set of cosmetic tools, and a number of preformed facial features. Also at the time, the Dodge Chemical Co. introduced a needle injector and needles that were fashioned for securing the mouth, also offering instruments, cosmetics, wax and chemicals used for restorative art.

In 1943, **Sheridan Mayer** published “Restorative Art,” a basic text in many educational institutions that was revised a number of times. He also wrote the “Workbook on Color and Mortuary Cosmetology,” published a few years later, and the textbook “Color and Cosmetics” in 1973. His background was unusual in the field; trained as an artist and sculptor, he was also employed as a theatrical cosmetician and makeup expert. Perhaps his greatest contribution to restorative art was his encouragement of a uniform curriculum and standards for instructional and testing purposes. While not an embalmer, he prepared sample syllabi and curricula as well as examination questions that became standards in the field of study.

Infamous cases of early modern restorative art

John Dillinger, Bonnie Parker and Clyde Barrow (“Bonnie and Clyde”) were killed by law enforcement agents in the summer of 1934. Dillinger, taken to the Cook County Morgue in Chicago, was met there by an instructor from Worsham’s College, who was requested to make a death mask of Dillinger for the FBI. Bonnie and Clyde were embalmed in

By the mid-century, the two major trade journals, *The Casket* and *Sunnyside*, both published a monthly article that ran for 14 years. Called “Restoration Clinic,” it described treatments for specific difficulties, with before and after photos to show results.

Gladys P. Curry, author of the 1947 “Textbook of Facial Reconstruction,” became internationally known for her ability to identify dead bodies after infamous disasters, such as a fire in a night club that killed more than 500 people, or the bodies of decomposing crewmembers of a submarine lost in 1939. Her book provides useful illustrations and photographs that break down reconstruction into a series of steps, rebuilding each layer of the face from the bare skull to the muscles, to the soft tissues of the face and neck, eventually refining the skin surface and adding hair to achieve the most natural look. The Curry system was used for years by embalmers to assist law enforcement agencies in identifying skeletal remains. While the book is dedicated specifically to reconstruction of the soft tissues of the head and neck with clay or wax and does not discuss restorative difficulties or the use of embalming with reconstruction, it is an excellence reference on modeling techniques and restorative techniques for purposes of identification.

Education in restorative methods was facilitated by the introduction of visual aids, such as photographs and film, which could show the sequence and results of each technique or step. The earliest known film example is **Joel Crandall** in 1912, but other filmmakers followed, such as Worsham and Renouard, using black and white film, before the 1920s, and **K. Angstadt**, filming in color, in the 1930s. Angstadt was a skilled restorative artist from Pennsylvania who demonstrated techniques in silent film with subtitles. His excellent technique and skill were evident in a number of complicated restorations, including replacing a jaw that had been removed, reducing swelling of the face and hands, and replacement of eyelids and lashes that had been ravaged by infection. In the 1940s, two educational color films were produced. One, from the Los Angeles College of Mortuary Science, shows how to create plaster masks that can be used for practicing restoration techniques and describes modeling methods that are very effective in producing natural facial features.

It might be said restorative art formally “arrived” as a discipline in 1945, when it was the subject of the address at the National Funeral Directors Association Convention in Chicago, with content stressing the value and necessity of these procedures.

Louisiana, after which Clyde’s body went to Dallas, where his head, which was shattered by over 100 bullets, was restored, while Bonnie, who had received more than 50 bullet wounds, was taken to a different funeral home in Dallas. Extensive restorative work was completed on both, and both were viewed by an estimated 50,000 individuals.

PART II: IS EMBALMING DANGEROUS?

This section discusses risks associated with embalming, highlighting recent findings associating long-term exposure to formaldehyde to a higher risk of myeloid leukemia among embalmers. These findings, as well as recent OSHA investigations showing violations in workplaces that use formaldehyde, emphasize the potential risk – to one’s safety and one’s business – that can occur without proper attention to

National Cancer Institute findings

The November 2009 Journal of the National Cancer Institute published some disturbing new findings about exposure to formaldehyde. In this recent study, researchers at the National Cancer Institute investigated the relation of mortality to work practices and formaldehyde exposure levels among a number of professionals, including embalmers. In a case-control study among funeral industry workers who had died between 1960 and 1986, researchers compared those who died from lymphohematopoietic

formaldehyde regulations. These findings are followed by a review of proper ventilation for funeral home preparation rooms, and an article discussing health risks associated with older cemeteries or contact with corpses embalmed from around the time of the Civil War until the early 1900s, when arsenic was commonly included in embalming fluids.

malignancies and brain tumors with those who died from other causes. Lifetime work practices and exposures to formaldehyde were obtained by interviews with next of kin and coworkers.

This study was the first epidemiological investigation, to the authors’ knowledge, to relate cancer risk to duration of employment, work practices and estimated formaldehyde exposure levels in the funeral industry.

The study found that death from myeloid leukemia increased with increasing years of embalming experience. There was an almost fourfold increased risk of death from myeloid leukemia among persons who performed embalming for more than 34 years. There was a threefold risk of death from myeloid leukemia in persons performing more than

3,068 embalming procedures. There was also a threefold risk for those estimated to have exposures exceeding 9,253 parts per million-hours. However, they did not find a statistically increased risk for mortality from brain tumors or other lymphohematopoietic malignancies.

So what is the current status of formaldehyde use in the embalming profession?

Funeral professionals and organizations responsible for protecting their welfare continue to monitor the international, federal and state regulatory landscape for changes or limits on the use of formaldehyde for embalming purposes in the United States.

The National Funeral Directors Association (NFDA) has performed a preliminary analysis of the report that will likely be updated after further review. The NFDA has published two articles regarding the recent formaldehyde study results, which can be found on its website at these links. The first reviews the most recent research findings regarding cancer and formaldehyde, and the second outlines best management practices for workplaces using formaldehyde, including appropriate ventilation standards (which are also presented in the next section):

- <http://www.nfda.org/additional-tools-embalming/1901-formaldehyde-understanding-the-newest-study-on-cancer-and-exposure-in-funeral-service.html>
- <http://nfda.org/additional-tools-embalming/1749-formaldehyde-best-management-practices.html>

The NFDA is also completing a ventilation study to evaluate prep room ventilation systems to ensure they are providing the maximum protection for embalmers from formaldehyde exposure during embalming.

Given that the International Agency for Research on Cancer (IARC) has declared formaldehyde a carcinogen and the federal Environmental Protection Agency (EPA) is reviewing the recent data regarding formaldehyde exposure and leukemia, it is expected that both the EPA and OSHA will propose new regulations limiting the use and exposure limits for formaldehyde based on all these studies.

Workplace violations

Given the widespread knowledge that formaldehyde exposure can be dangerous, there is surprising laxity regarding storage and use of the product. In October 2009, the OSHA cited a large Massachusetts company for 41 alleged violations of workplace safety and health standards at its Cambridge production plant. The embalming fluid manufacturer faces \$138,000 in fines for inadequate safeguards involving formaldehyde stored and used in manufacturing processes at the plant as well as for various chemical, mechanical and electrical hazards identified during comprehensive OSHA inspections conducted over the past several months.

OSHA found that the plant lacked a process safety management (PSM) program and procedures to proactively assess and address hazards associated with processes and equipment using large amounts of formaldehyde and that the plant also lacked controls and other safeguards to reduce the levels of formaldehyde to which some workers were overexposed.

OSHA also identified numerous deficiencies in the plant's respiratory protection, emergency response, hazardous energy control, chemical hygiene and chemical hazard communication programs.

Ventilation requirements

Although ventilation requirements for preparation rooms may be changing in the near future, be sure your workplace meets minimum safety standards according to the following guidelines.

VENTILATION GUIDELINES AND CALCULATIONS FOR FUNERAL HOME PREPARATION ROOMS¹

Ventilation guidelines

Ventilation requirements for funeral home preparation rooms are not specifically addressed in current OSHA guidelines. However, the National Mechanical Code of the Building Officials and Code Administrators (BOCA) and the Heating, Ventilation, and Air-Conditioning Handbook of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) specify ventilation criteria for autopsy rooms. These criteria for autopsy rooms can serve as useful guidelines for effectively ventilating funeral home preparation rooms.

- BOCA requires a minimum of 12 air changes per hour for autopsy rooms. The BOCA Code also requires that the air shall be exhausted to the outdoors, at an approved location on the exterior of the building.
- ASHRAE recommends a minimum of 12 air changes per hour be supplied to autopsy rooms, and that at least two of the air changes per hour be outdoor air. ASHRAE also specifies that the room be negatively pressurized in relation to adjacent areas.

- The National Funeral Directors Association recommends, as an accepted industry practice, no fewer than 10-15 air changes per hour for preparation rooms.
- A source of makeup air should also be provided in preparation rooms to prevent excessive negative pressurization and to improve air mixing within the room.

Ventilation calculations

Air changes per hour (ACH) – To determine the number of air changes per hour occurring in an existing preparation room:

1. Calculate volume of preparation room:
 - Length (ft) x width (ft) x height (ft) = room volume (ft³).
2. Calculate exhaust vent area in ft²:
 - If rectangular: length (in) x width (in) = vent area (in²).
 - If circular: $3.141 \times [\text{radius (in)}]^2 = \text{vent area (in}^2\text{)}$.
 - Vent area (in²) x 0.00694* = vent area (ft²).
 - (* = factor for converting in² to ft²).
3. Calculate volumetric airflow of exhausted air in cubic feet per minute (CFM):
[NOTE: This will require airflow measurements using a velometer or equivalent instrument to determine average air velocity in feet per minute (ft/min) across the face area of the preparation room exhaust vent. More sophisticated measurement methods, such as duct static pressure, may also be used. Alternatively, a volumetric airflow hood can be used to directly obtain CFM.]
 - Air velocity (ft/min) x vent area (ft²) = CFM (ft³/min).
4. Convert CFM to cubic feet per hour (CFH):
 - CFM (ft³/min) x 60 (min/hr) = CFH (ft³/hr).

5. Calculate air changes per hour (ACH):
 - CFH (ft³/hr) ÷ room volume (ft³) = ACH (air changes per hour).
 - Sample calculation for air changes per hour (ACH).
 - Preparation room is 30 ft. long x 20 ft. wide x 10 ft. high with an 18-inch-diameter circular exhaust fan vent having an average face velocity of 860 FPM.
 - Room volume = 30 ft x 20 ft x 10 ft = 6,000 ft³.
 - Vent area = $3.141 \times (9 \text{ in})^2 = 254.4 \text{ in}^2 \times 0.00694 = 1.77 \text{ ft}^2$.
 - CFM = 860 FPM x 1.77 ft² = 1,522 CFM (ft³/min).
 - CFH = 1,522 CFM x 60 min/hr = 91,320 CFH (ft³/hr).
 - ACH = 91,320 CFH ÷ 6,000 ft³ = 15.2 ACH.

Ventilation system capacity – To determine the ventilation system capacity in cubic feet per minute necessary to obtain a desired number of air changes per hour.

1. Calculate volume of preparation room:
 - Length (ft) x width (ft) x height (ft) = room volume (ft³).
2. Calculate cubic feet per hour (CFH) needed:
 - VOLUME (ft³) x ACH (desired) = CFH (needed).
3. Convert to cubic feet per minute (CFM) needed:
 - CFH ÷ 60 (min/hr) = CFM (needed).

Sample calculation for ventilation system capacity

Preparation room is 26 ft. long x 18 ft. wide x 9 ft. high and it is necessary to determine the number of cubic feet per minute that must be exhausted to obtain 15 air changes per hour.

- $4,212 \text{ ft}^2 \times 15 \text{ ACH} = 63,180 \text{ CFH (ft}^3\text{/hr)}$.
- $63,180 \text{ CFH} \div 60 \text{ min/hr} = 1,053 \text{ CFM (ft}^3\text{/min)}$.

Calculation of the outside supplied air changes recommended by ASHRAE can be performed in the same manner as those for exhausted air.

Hidden dangers

The following article cautions those working near old burial sites or treating embalmed bodies from certain periods, particularly the Civil War, to protect themselves from risk of exposure to arsenic through

contact with the embalmed bodies and possible contamination of ground water and soil. Please pass the information along to anyone you feel might benefit from it.

Old cemeteries, arsenic, and health safety²

Embalming human remains for burial has taken a long road to its present state as an art that now minimizes health and environmental concerns of burials. Along the way, health and safety were not always considerations. From the Civil War until about 1910, arsenic was the main ingredient in the embalming fluids used widely throughout the country. Although effective, arsenic is toxic and persistent, and elemental arsenic will never degrade into harmless byproducts.

Progress in embalming practices during the late 1880s has left a legacy that can potentially harm the health of archeologists or cemetery workers, and impact the environment. Awareness of this potential problem is the first step in alleviating any real damage that might occur.

Arsenic embalming began as a sanitary practice and a practical means to preserve the body until burial or for transport. Considering that the alternative was ice, arsenic embalming seemed like a significant improvement. What the embalming practitioners or undertakers did not consider were the long-term effects of placing significant amounts of arsenic in concentrated burial areas – cemeteries.

The arsenic that endures today can pose significant danger to forensic archeologists, cemetery workers, or individuals that may be utilizing potentially contaminated groundwater supplies.

In the U.S., the widespread use of arsenic in embalming fluids began in the Civil War period. Dr. Thomas Holmes, the “father of American embalming,” was engaged by the medical department of the Union Army to set up battlefield embalming stations to enable the bodies of Union dead to be returned home. Numerous embalmers were trained in these new techniques, which included preparation of embalming fluids. Although fluid composition was often a trade secret, arsenic was

the primary embalming agent because it effectively killed or halted the microorganisms responsible for decomposition. Other embalming compositions were used less frequently and contained similar toxic materials, such as mercury or creosote.

At the end of the Civil War, successful embalmers returned to their hometowns and took their craft with them. This expansion of arsenic-based embalming gradually came to encompass all areas of the country.

From 1856 to 1873, six patents were issued for fluids that contained arsenic, from as little as four ounces to as much as 12 pounds of arsenic per body. Individual embalmers could also create their own formulas by going to the local pharmacy to get the necessary quantities of arsenic. The 1878 publication, “The Undertaker’s Manual,” contained several embalming fluid formulas, the majority of which were arsenic based. A popular formula of the time contained about four ounces of arsenious acid (an arsenic trioxide) per gallon of water, with two or more gallons of fluid recommended for proper embalming.

Chemical embalming spread most rapidly in the 1880s, when fluids were compounded and sold commercially. Fluid compounders sent salesmen on the road to demonstrate fluid use and broaden their customer base. The salesmen provided at least rudimentary instruction in embalming techniques and helped continue the growth of chemical embalming.

The demand for chemical embalming stimulated the creation of embalming institutes or schools. Some of the earliest were the Rochester (New York) School of Embalming and the Cincinnati School of Embalming. Correspondence courses overcame geographic barriers and embalming practitioners began providing services in every state. For example, chemical embalming in Iowa began about

1879. An enterprising young undertaker from Iowa City, Dr. William Hohenschuh, took a correspondence course from Dr. Auguste Renouard, founder of the Rochester School of Embalming. Dr. Hohenschuh spread the technique to his fellow undertakers, and by 1899 there were at least 240 registered embalmers in Iowa.

Burial practices during this time also have a bearing on problems associated with the release of arsenic. Initially, burials were primarily in wood coffins that were placed directly in the ground. Throughout the latter 1880s, use of metal burial containers, such as the Fisk metallic burial case and combination metal and wood caskets, increased. In either case, no burial vaults that enclosed the coffin were used. Embalming and metal containers added cost to funeral arrangements, and were generally only used by those who could afford them. In many cases, burial of non-embalmed persons in wooden caskets was still the only viable option. Yet embalming became increasingly affordable and popular.

Both wooden and metal caskets will eventually degrade and begin to allow contact of the embalmed remains with the environment. Arsenic, a basic element, will not change or degrade, but must remain with the remains or move into the environment. As the containers corrode, water moving downward through the soils of cemeteries can dissolve arsenic from the burials and move arsenic into the soil or groundwater. This slow spread of arsenic from numerous sources in an old cemetery can lead to serious environmental and health problems.

To understand the potential impact, assume a hypothetical cemetery in a modest-sized town. It is reasonable for the period 1880 to 1910 to assume that 2,000 people died in that time period.

If half of those were embalmed with arsenic, using six ounces of fluid per person, the cemetery contains 380 pounds of arsenic. If the embalmers in the area used more arsenic, such as three pounds per person, then the cemetery would contain over one ton of arsenic. In either case, this is a significant amount of a potent, toxic material to find in the ground at one location.

In the early 1900s, arsenic use was banned from embalming. The driving force for the ban was the concern for health of embalming practitioners and interference with autopsies after embalming had occurred. Today, arsenic is prevalent in or near old cemeteries. Some of the most compelling evidence is the recent analysis of the remains of an embalmed Civil War soldier. The tissue sample revealed that arsenic was present at a concentration of 28,000 parts per million, or 2.8 percent. This is firm documentation that arsenic embalmed remains can carry the arsenic residue for many years.

Evidence of elevated levels in the environment near old cemeteries is only now beginning to emerge. Limited sampling of old hand-pump wells that still exist at many smaller cemeteries has been conducted in Iowa. These wells typically access the shallow groundwater aquifer, and if still functional, can provide an initial indication of arsenic presence. One problem with these old wells is that they are often located up gradient or peripheral to the burial area of interest and do not provide the ideal groundwater sample.

Fourteen hand-pump wells at a variety of Iowa cemeteries were sampled for arsenic. The U.S. Geological Survey staff in Iowa City did not expect detectable levels of arsenic in shallow groundwater samples. Two of the samples contained arsenic at 30 parts per billion, above the new proposed drinking water standard for arsenic.

Installing groundwater monitoring wells near cemeteries can provide a better indication of the impact of arsenic. In one study at Hamilton College in Clinton, N.Y., up-gradient and down-gradient wells were installed outside of the college cemetery, which contains at least 68 graves from before 1910. Samples from the wells indicate elevated levels of arsenic down-gradient from the cemetery. Zinc, copper and lead also increased down-gradient.

What significance does the presence of arsenic have for archeologists, cemetery workers and others that may come into contact with contaminated

soil or human remains at old burial sites or cemeteries? Because the main routes of exposure are ingestion, inhalation and skin contact, there can be important health and safety implications for personnel working at sites where arsenic is present in sufficient concentrations.

Acute arsenic poisoning by ingestion can occur as the result of hand contact with dusts or objects containing arsenic compounds, and subsequent hand-to-mouth contact. Another common mechanism includes the dust settling on objects that later have contact with the mouth, including the tops of soda cans, cigarettes in a shirt pocket or eating utensils. The smallest recorded fatal dose is 130 mg, although recovery has occurred after much larger doses.

Most ingested arsenic is quickly absorbed through the stomach and intestines and enters the blood stream. A common effect of arsenic ingestion is irritation of the digestive tract, leading to pain, nausea, vomiting and diarrhea. Other effects characteristic of oral exposure include abnormal heart function and impaired nerve function, causing a "pins and needles" sensation in the feet and hands.

The inhalation route of exposure may be operative at dry, dusty sites, or during the handling of objects coated with dust. Inhalation exposure to arsenic can produce the same types of systemic health effects as oral exposure, although symptoms and effects are usually milder. The current Occupational Safety and Health Administration Action Level for arsenic inhalation exposure is 0.005 mg/cubic meter.

Direct dermal contact with arsenic compounds may result in mild to severe irritation of the skin (dermatitis), as well as irritation to the mucous membranes of the eyes, nose and throat. Dermatitis of the face and eyelids is sometimes accompanied by conjunctivitis, with redness, swelling and pain.

Due to the level of toxicity associated with arsenic, it is important to take precautionary measures when working in and around burial sites that may contain arsenic-embalmed remains. Protective measures include using protective work clothing and equipment, housekeeping and hygiene practices. Individual project requirements may differ; Occupational Safety and Health Administration standards, in particular 29 CFR 1910.1028, can give further guidance on proper procedures. Protective work clothing would include coveralls or similar full-body work clothing, gloves and shoes or shoe coverlets. Face shields or vented goggles should be worn when necessary to prevent eye irritation. Protective clothing and equipment should be replaced at least weekly, and preferably on a daily basis. Disposable clothing is preferred because laundering clothing and gloves can result in additional exposure problems.

Disposal of arsenic-contaminated materials must comply with federal, state, and local hazardous waste regulations. Engineering controls, such as exhaust ventilation, will not be available to control dust exposure in many applications. In that case, respiratory protection should be used to control dust exposures within acceptable limits. The minimum level of respiratory protection would be a half-mask air-purifying respirator equipped with high efficiency filters. Efforts must be taken to keep the inside of the respirator free of dust, and filters should be changed frequently, usually at least daily. Surfaces should be kept as free from dust as practical. Use of compressed air, sweeping or brushing should be avoided, because these methods will increase ambient air dust levels. Vacuuming is an effective method; however, special high-efficiency equipment should be used.

Smoking, eating or drinking should not be allowed in any work areas where arsenic may be present. Hands and face should be washed prior to eating, drinking or smoking. Protective clothing must be removed and handled carefully to avoid the generation of dust. A separate area for storage of street clothes should be available, and a shower should be taken at the end of each work period. These general guidelines are a starting point for protective measures needed to work at old cemeteries or with materials from old cemeteries that may contain arsenic embalmed remains. It is recommended that a certified industrial hygienist be consulted before beginning a project for specific measures.

Without an extensive review of public agency or private funeral establishment records, accurate determinations of the number and location of arsenic-embalmed bodies present in the nation's graveyards is impossible. Even if records were made available, they may not contain sufficient information to verify use of arsenic and the effort to obtain such information would be enormous.

The best opportunities to ascertain the presence and impact of arsenic in old cemeteries can come through cooperative efforts of forensic and other archeology experts with environmental scientists. Opportunities to collect and analyze soil and groundwater samples from excavations should be utilized. Not only will this provide information on the dangers to the environment, it will also provide critical information needed for proper protection of those engaged in archeological endeavors that could expose them to arsenic.

Endnotes and References

1. <http://www.state.nj.us/health/surv/documents/fuhomevent.pdf>.
2. John L. Konefes and Michael K. McGee; Additional assistance by Melissa Johnson Williams; <http://crm.cr.nps.gov/archive/19-10/19-10-6.pdf>
- Crane, O.N., M.P. Hatfield, A.B. Perrigo and H. Samson. *The National Funeral Director's Official Text Book*. Chicago: Donohue & Henneberry, 1886.
- Gannal, J.N. *History of Embalming and of Preparations in Anatomy, Pathology, and Natural History*. Philadelphia: Judah Dobson, 1838.
- Halsted, M. *A Legacy of Excellence (History of Des Moines Funeral Directing)*. Des Moines: Hamilton's Funeral Home, 1984.
- Hebenstein, R.L. and W.M. Lamers. *The History of American Funeral Directing*. Milwaukee: The National Funeral Directors Association/Bulfin Printers, 1955
- Johnson, E.C. A History of the Art and Science of Embalming. *Casket and Sunnyside*. 1955.
- Johnson, E.C., G.R. Johnson and M.J. Williams. Dr. Homes Method of Preserving Remains. *The American Funeral Director*. February, 1989.
- Mayer, Robert G, *Embalming History, Theory, and Practice*, McGraw Hill, 4th Edition 2006.
- *Patty's Industrial Hygiene and Toxicology*, volume 2A. New York: John Wiley and Sons. 1981.
- Renouard, A. *The Undertaker's Manual: A treatise of Useful and Reliable Information; Embracing Complete and Detailed Instructions for the Preservation of Bodies*. Rochester, N.Y.: A.H. Nirdlinger & Co., 1878.
- Strub, C.G., and L.G. Frederick. *The Principles and Practice of Embalming*. Dallas: L.G. Frederick, 1965.
- U.S. Patent Office. U.S. Patent #15,972, 1856; Patent #30,576, 1860; Patent #38,747, 1863; Patent #44,495, 1864; Patent #81,755, 1868; Patent #144,602, 1873. Washington, DC.
- Wilson, L.E. *History of 75 years of Funeral Service*. Des Moines, Iowa: Iowa Funeral and Embalmers Association, 1963.

HISTORY OF EMBALMING AND RESTORATIVE ARTS

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

51. Our earliest knowledge of embalming is that which occurred in the Canary Islands among the Guanche.
☐ True ☐ False
52. The first step for the ancient Egyptian embalmer was the removal of the brain, typically with the use of a metal hook or spoon inserted through the nostrils into the brain, or less commonly, through the eye socket.
☐ True ☐ False
53. Some of the success of Egyptian preservative methods could likely also be attributed to a hot, dry climate that discouraged bacterial growth.
☐ True ☐ False
54. Populations of the Tigris-Euphrates River Valley, including the Persians, Syrians and Babylonians, submerged recently deceased individuals of importance in a container of plaster to preserve the body, especially for a long journey.
☐ True ☐ False
55. Guanche embalmers were gender-specific – only male practitioners could attend to men's corpses, and female practitioners to women's corpses.
☐ True ☐ False
56. Xaxos bodies show very minimal shrinkage in body size and are quite heavy.
☐ True ☐ False
57. By 1864, all deceased patients at the Washington, D.C., Military Hospital were routinely embalmed and the grave marked so that the body could be disinterred and sent to the family, if desired.
☐ True ☐ False
58. In the mid-1870s, the invention of the trocar by Samuel Rodgers helped to usher in a new system for treatment of the cavities.
☐ True ☐ False
59. At the end of the 1890s, embalming fluid advertisements were introducing the ingredient formalin, a saturated solution of formaldehyde combined with other ingredients.
☐ True ☐ False
60. OSHA has issued ventilation guidelines for funeral preparation rooms for at least two decades.
☐ True ☐ False



Chapter 7: Religion and the Funeral Director

2 CE Hours

By: Elite Staff

Learning objectives

- ♦ Be able to conduct each funeral service with dignity and respect, adapting funeral arrangements to serve the needs of each family as appropriate and according to their means, customs, and religious, cultural and national traditions.
- ♦ Be able to recognize, understand and adapt to the needs of ethnic communities as well as mainstream or numerically dominant groups.
- ♦ In dealing with the bereaved, be able to:
 - Understand and respect the values of the people you serve.
 - Provide interpreters, if necessary.
 - Reduce incidents of perceived discrimination, lack of empathy, or hostility due to ignorance of specific customs and traditions.
- ♦ Be accountable and able to serve the multicultural consumer base.

Demographic trends in the United States¹

Demographic trends in North America point to increasing diversity of religion, nation of origin, culture and subculture. In the United States, the racial and ethnic composition of the country is changing – no longer a white majority and black minority, the early part of this

century is seeing the development of three major subcultures: African American, Hispanic, and Asian American. Within each of these groups are subgroups defined by different languages, cultures and religions.

Variation within groups

Funeral rites vary not only by religion and culture, but also by country of origin, family customs, financial resources and/or the personal preferences of the individual and families involved in the ritual. This course introduces customs and cultures characteristic of some of the world's major religions and nationalities. Differences of opinion exist not only within specific groups of faith but also between the different branches of a religion. The information presented can only begin to introduce the many varieties that exist in each category.

While each ritual is unique, most funerals include the following components:²

- A death announcement.
- Some preparation of the deceased.
- Disposition of the body.
- A service or ceremony.
- Memorialization.

Because so many variations exist, it is best to contact a local or regional representative of the religion or culture at an appropriate place of worship. Resources are suggested throughout the chapter.

African-American funerals

Definitive statements about African-American death and grieving are not easy to make, due to the great diversity within and among African American communities in the United States. In 1963, a book, “The American Way of Death” [Mitford; 1963³], hypothesized that traditional black funeral customs were disappearing, becoming increasingly similar to those of the white majority. Yet, four decades later, African-American funerals continue to be an eclectic mixture of diverse religious and cultural elements.

While some African-American funerals are no different than Euro-American funerals, African-American funeral rites often combine a number of contemporary and traditional customs, with rituals, in some cases, that emphasize the individual's ancestral roots in West Africa or the Caribbean. Customs of African origin may include a wake lasting a number of days, and ritualistic drumming, singing, and dancing. Other customs with an African source are throwing dirt into the grave and decorating graves with broken pottery, a West African observance seen in Mississippi, South Carolina and Georgia. Americans of Caribbean descent may “hide” an object in the casket with the body. In cases of cremation, the individual may ask that the ashes be scattered in the ancestral homeland or another cherished location.

African-American subcultures are also distinguished by geography or region (Northern or Southern; urban or rural), socioeconomic status, educational background and religion (Southern Baptists, Catholics, Pentecostal, Protestants, etc.). The Nation of Islam is a distinct subculture that shares few rituals with mainstream African-American Christian culture. Muslim funerals require burial within 24 hours of the death, and consider embalming and cremation taboo. Funeral services are directed by men only, and are typically conducted at a mosque. The Imam, or religious leader in the Muslim ceremony, leads a recitation from the Quran, and viewing of remains is prohibited. The deceased is positioned in the casket to face East, toward Mecca, as are the grave and the chairs at the funeral site with services.

Even the “standard” Christian African-American funeral varies depending on the individual's religious denomination. Perhaps the one constant in an African-American funeral is the great effort made to attend, considered a necessity for dear friends and relatives, and even a strict obligation for acquaintances of the deceased, regardless of the proximity of relationship with the deceased. Funerals in the United States may take place a week or more after the time of death to provide the relatives and friends of the deceased time to travel, if necessary, to attend the funeral.

Traditional African-American funerals are more common in the rural South, among the more evangelical religious groups (Church of God, Missionary Baptist, Pentecostal). Modern funerals are more prevalent in the urban North, and among members of Roman Catholic and mainline Protestant congregations.

Common customs include:

- The evening before the funeral, the return of the corpse to the home.
- On the day of funeral, body and funeral party are driven to church.
- Exits and entrances of the church are lined by women, or “flower girls,” who usually dress in white.
- The corpse is brought into the church, through the passageway lined by flower girls, with the church bell tolling.
- The choir sings and the minister recites some words.
- A song is sung by the choir and audience.
- Scripture is read and/or a prayer is delivered by an assisting minister or prominent church member, including:
 - Reading of the obituary.
 - Acknowledgement of flowers and messages.
 - Testimonies by friends and neighbors delivered.
 - A eulogy is read by the pastor.
- The audience takes final view of the remains.
- Interment.
- Male volunteers typically fill the grave after final rites.
- The reception line may be arranged by age, from the oldest to the youngest.
- In Baptist and rural churches, a collection is taken from mourners as they pass the corpse, to help defray expenses if the deceased’s family has limited means.

While these factors vary according to the status of the deceased, his/her reputation in the community, position in the church, and/or family preferences, elaborate organizational skills are apparent in the practical assistance provided mourners in their time of grief. As soon as news of the death is announced and there is an expectation of a “church” funeral, the first questions asked of the mourner are: “To what church did the deceased belong?” and, “Who will preach the funeral?” Instantly, myriad rituals are in place: church “sisters” cook meals and attend to details that must be carried out; and church “nurses” go with family members to view the body.

In the South, flower girls, the female counterparts of pall bearers – typically the women closest to the deceased – have a role in the ceremony, and nurses, dressed in white, care for those overcome by grief. Other individuals close to the deceased are selected from among the mourners: the reader of the obituary, the friends and family

members who say “words,” and those chosen for music solos or choir renditions of significant songs. While many funeral services are elaborate affairs, the deceased’s preference for a simple ceremony at the graveside is also honored, with graveside rites or a short funeral instead of a traditional church service.

There is a stereotype that African-American funerals are less formal and more expressive than those of mainstream culture, in regard to death and the rituals surrounding it. Pentecostal and Southern Baptist funerals, in particular, are known for eloquent, emotional sermons, chanting in the charismatic call and response style, and an openly emotional expression of grief. Some say the graceful, dignified mourning and minimal public display of emotion by the wives of John Kennedy and Martin Luther King, whose tragic deaths occurred in the 1960s, set a tone for less emotional expression at white and black funerals alike, with stronger outbursts appearing “old fashioned.” Today there is great range in expression of grief, not only among blacks in general, but within families, as well.

The jazz funeral is another unique African-American custom that became a distinct cultural feature of New Orleans as far back as the early 1800s. The funeral itself is commonly held in a funeral home, rather than the family church. The body is displayed and is accompanied in the casket by favorite items belonging to the deceased. The ceremony is traditionally conducted by men.

In a traditional jazz funeral, the band meets at the church or funeral parlor where the dismissal services are being conducted. During the procession from the funeral location to the final resting place following the services, it is customary to play a dirge or “Negro spiritual” such as “Nearer My God to Thee,” very slowly and mournfully. The band may walk only a short distance, perhaps a couple of blocks, since burial sites are not always within walking distance of the church or funeral parlor. If the cemetery is close, the band will accompany the procession to it.

When the interment ceremony is completed, the band leads the procession from the graveside without playing. Once the band is a respectful distance from the burial site, the lead trumpeter plays a note, and the band strikes up a rousing, “When the Saints Go Marching In,” or a ragtime song such as “Didn’t He Ramble” on the return from the cemetery. The practice of having music during funeral processions was basic to the African-American subcultural identity. Musical traditions – expressions of grief in jazz, blues, spirituals and gospel music – were woven into the grieving ceremony, as important a part of death as of life. The traditional jazz funeral expresses the West African philosophy that there is something not only to mourn, but also to celebrate, even in death.⁴

Baha’i funerals

Baha’i is a religion of 6 million members worldwide, and more than 110,000 adherents in the United States.⁵ It is a belief with roots in the Islamic faith, but exists today as an independent religion. Baha’i believe in the essential unity of mankind, the equality of men and women, religious tolerance, the harmony of science and religion, and the elimination of extremes of poverty and wealth. Baha’i followers believe that all people are members of one religion, with one God, who goes by different names, has taken many forms, and has sent messengers (Christ, Muhammad, Buddha, Moses, and Krishna), to different parts of the world. Baha’i believe that god is essentially unknowable, and that the soul is eternal, and lives on after the death of the body.

Baha’i have no specific funeral rites, but Baha’i are encouraged to leave wills specifying their preferred funeral arrangements, and many do. Followers of the faith may pray and/or meditate daily, and gather together every 19 days for spiritual and social fellowship and administrative functions. Each year, from March 2nd to the 20th, members of the Baha’i faith fast from sunrise to sunset. Children under 15, the elderly, and pregnant and nursing women do not fast.

If Baha’i followers choose to donate their body parts for research and organ donation purposes, the remains of the body should be buried.

The Baha’i have no set guidelines regarding funeral customs and rituals except the following:

- Embalming and cremation are discouraged.
- The deceased should not be shown in an open casket.

The Baha’i require burial within a one-hour radius of the location of death. In practical terms, interment takes place very near the place the death occurred. There are no special requirements for tending to the body, except that it is to be washed in the traditional manner of the area, and wrapped in a cotton or silk shroud before burial. The body may be buried wearing a special Baha’i burial ring.

There are no clergy or religious authority figures in the Baha’i religion. The service is conducted by family and other Baha’i members. For assistance, the Baha’i Spiritual Assembly, an administrative body, can be contacted when a Baha’i member dies. Assembly members will work with the deceased’s family to arrange an appropriate Baha’i funeral. The funeral service usually takes place at a Baha’i chapel or at the graveside. The “Prayer for the Dead” is commonly recited at the funeral. Those who attend should dress as their culture dictates, or wear dark colors and no makeup. It is appropriate to send flowers or cards.

Buddhist funerals

Buddhism is a religion prevalent throughout much of Asia that numbers about 350 million members worldwide, with over 1 million adherents in the United States. Predominantly Buddhist countries (with more than 50 percent Buddhist population) are primarily in South and Southeast Asia: Thailand, Cambodia, Myanmar (formerly, Burma) Sri Lanka, Tibet, Laos, and Vietnam. Buddhists are also reasonably prevalent in mainland China, Taiwan, South Korea, and Japan. In the United States, Buddhists numbered 0.8 percent in the year 2000. A rapidly expanding population, the number of Buddhists in the United States is growing nearly three times as fast as Christianity, equaling about 2.4 million 2004 and estimated to reach 3.2 million by 2025.

Mindfulness

Buddhism accepts death as a natural and inevitable phenomenon; a point of transition from one life to the next, in an endless cycle of reincarnation. Siddhartha Gautama, the Buddha, lived in India in the sixth century BCE. His teachings, the basic tenets of Buddhism, emphasize the impermanence, illusory nature, and suffering of life, and introduce The Eightfold Path – right understanding, right thought, right speech, right action, right livelihood, right effort, right mindfulness, and right concentration – a way to transcend worldly things, cease the cycle of rebirths, and attain enlightenment.

Mindfulness (sati), a state of uncritical reflection or nonjudgmental observation, is a central concept in Buddhist ideology, playing an essential role in Buddhist life and a critical role in death, as well. A clear, calm, compassionate state of mind is central to most Buddhist practice, and highly desirable when carrying out the responsibilities of a funeral. The frame of mind of the mourners is important, because actions and thoughts translate into karma, or merit, for the deceased individual.

After death

Buddhists generally cremate the bodies of their dead, but burial is also practiced. Embalming is not common. If the deceased expressed a desire to donate organs, appropriate action should take place immediately after death to ensure this wish is fulfilled. The body of the deceased is treated with great veneration and attention. There are no limitations on how long the body should lay in state before the funeral.

Preparing the body

Family members may choose to clean and dress the deceased's body as an act of veneration. It should be dressed simply, in plain clothing with no jewelry, symbolizing the illusory quality of worldly things and the inability to take anything to the next life. The deceased should be placed gently in a casket. Averting one's eyes from the body or turning away, with one's back to the deceased, is interpreted in some Buddhist cultures as a sign of disrespect.

Monks assist the body in making the transition to a new life by attending the funeral and reciting specific sutras, ritual prayers or doctrines. After

National traditions in Buddhist funerals

In practice, funeral and death anniversaries in Buddhist countries often reflect local customs, such as animistic beliefs or elements of ancestor worship that have little to do, theoretically, with Buddhist philosophy. In each location, funerals are a unique synthesis of local ideology, interpretation, and Buddhist practice. However, there are some traditional customs that remain constant across Buddhist funeral practice.

Traditional Buddhist rituals include chanting, incense burning and a memorial service. Because use of incense is common, be aware that adjacent rooms may have an odor non-Buddhist grievers find unusual

Buddhist traditions vary considerably by country, meaning Japanese Buddhist funeral practices may be very different from Thai Buddhist funeral practices, which differ from Vietnamese funeral practices, etc.

In addition, there are two major branches of Buddhism, Theravada and Mahayana, which vary in their interpretation and practice. Theravada Buddhism is more prevalent in Sri Lanka, Myanmar (Burma), Thailand, Cambodia, and Laos. Mahayana Buddhism is more prevalent in China, Japan, Korea, Taiwan, and Vietnam. Another tradition, Vajrayana, is more commonly found in Tibet, Nepal, Mongolia, and parts of India.

A significant focus of Buddhist funerals is assisting the soul of the deceased to make its ascent from the physical body, by acquiring merit through the right state of mind. An agitated or unclear mind produces karma that leads to the deceased's rebirth and the continuation of earthly suffering. Skillful words and actions emerge naturally from the right state of mind, assisting in the accumulation of merit, the pathway to enlightenment. Relatives may rely on monks, soothsayers, or ritual to help overcome negative factors related to death. Everything related to the funeral ceremony must be carried out properly, to avoid the creation of negative influences.

The Tibetan Book of the Dead describes an elaborate funeral rite, stressing the necessity of calming and focusing the mind before death. It includes instructions to both the dying person, the corpse and the mourners to initiate the deceased and guide him/her to a new form through the transition from death to rebirth. The mourning ceremony continues for 49 days, until rebirth is assured.

Lavish spending on the funeral is discouraged in favor of a simple, dignified ceremony. Instead, money should be donated to worthy causes or charities favored by the departed, a process that transfers merit to the deceased. The funeral is usually planned by family members, the surviving spouse and/or oldest children, brothers, and sisters. It is common for relatives to travel considerable distances to attend.

death and before cremation, while the deceased is prepared for the funeral fire, the monks chant to encourage the deceased's good energies to be released from the body. Family and friends provide the monks food and candles, creating goodwill that also assists the lingering spirit of the deceased to make the necessary transition. If monks are not present to conduct the service, friends and relatives of the deceased or members of a Buddhist organization may speak or perform the Buddhist rites. Music with chanting appropriate to the occasion that contemplates the impermanence of life or the transfer of merit may play.

or even unpleasant. Those who attend the funeral services first pay their condolences to the deceased and the family at the funeral home prior to the service. Black or dark colors are not required, but guests should avoid the color red. If the funeral service takes place in the temple, guests are required to remove their footwear.

A family member initiates the funeral service by offering a eulogy and perhaps a short life history of the deceased. Chanting follows. Then, a family member will light sticks of incense and make a ritualistic offering. The family, usually in white, the traditional color of grieving,

sits at the front of the room and accepts condolences from those in attendance. When approaching the casket, guests may make a simple bow toward the casket. After the funeral service, interment takes place at a cemetery.

The family pays tribute to the deceased at a first-year anniversary and the third-year anniversary, which ends the official grieving period. The

Southeast Asian Buddhist funerals

Services may be held in a funeral home hall or other peaceful location. Flowers from friends and relatives are often displayed. An altar is usually set up in front of the casket, with a photograph or portrait of the deceased on a stand or table near the casket. An image of the Buddha is typically displayed somewhere near the altar. As is customary at a temple, incense is burned and offerings such as flowers, candles and fruit are placed on the altar.

Traditional elements of a Buddhist funeral are the wearing of white, particularly by a spouse or child of the deceased. In some Buddhist ceremonies, the family dresses in white, the traditional color of death in some cultures, and guests may wear black, white, or plain clothing. When paying last respects, guests may stand or bow in front of the altar, clasp hands, observe a moment of silence, or burn incense, and offer condolences to the family. Depending on the culture, it may be appropriate to remove one's head covering when the Dhamma is

Chinese Buddhist funerals

The first seven days of the 49-day mourning period are the most important. Family members and monks say prayers every seven days, for the full 49 days, if possible. After 100 days, a final prayer ceremony is conducted, but this custom is optional, and of less significance than the initial ceremonies. Historically, Buddhists have cremated their deceased; however, burial is becoming more and more common among Chinese Buddhists.

The number of ceremonies is dependent on the financial situation of the family. Daughters typically bear the financial responsibility of the funeral. If she is of modest means, the period of mourning may be

Vietnamese Buddhist funerals

In Vietnam, the dead are draped in inexpensive white gauze, with turbans wrapped around the head, a straw crown, and a sash on top of that. The body is enclosed in the coffin along with reeds, paper and other objects meant to keep the body in place during decomposition. Embalming is not a common practice.

Family members wear white clothes, armbands and headbands, in the Asian tradition. The service may include friends and members of the community saluting the closed casket, recalling incidents in the deceased's life, sharing reminiscences and making brief statements. Some mention may be made regarding the deceased's good frame of mind before and at death. The family gathers before the altar dedicated to the deceased to make offerings of food for the deceased's soul, usually three bowls of rice, three cups of tea, and a variety of other Vietnamese dishes. This ceremony is repeated three times a day during the entire mourning period.

Mourners use bamboo walking sticks to express their grief and need for support in walking to the graveside. After the procession, the oldest son, monk, or funeral attendants throw a handful of dirt into the grave and pay their respects to the other family members. Relatives leave the grave but wait nearby, going home once the grave is completely covered.

Laypeople chant throughout the period at the funeral home, at each of the ceremonies leading up to the final service, supporting the deceased through the transition of death from one form of life to another. Monks commonly provide additional assistance in funeral and anniversary

first memorial gathering takes place within seven days of the funeral, when friends and family gather at the temple or a family member's home to commemorate the deceased. It is traditional to bring gifts of food to the mourners; in some cases, vegetarian food may be preferred. Guests may make donations to charity in the name of the deceased.

recited, or during delivery of a sermon. Guests may join in chanting sutras if they are able to. If not, they should be silent.

The mourning period lasts 49 days, of which the first seven are considered most significant. Lay people and monks chant specific sutras each of the weeks. The first service should be held within two days of the death, at the home of the bereaved. The second service is held two to five days after the death, and is conducted by monks at the funeral home. The third and final service, conducted seven days after the burial or cremation, is focused on encouraging the soul to the next reincarnation.

At the time of cremation or burial, relatives and friends may follow the casket. Chanting continues throughout this time. It is customary for close family members to view the cremation and preserve remains in an urn or other container. If the body is buried, close family members remain at the cemetery until the casket is covered with earth.

shortened to a period of three to seven days. The head of the family should attend at least the first and second prayer ceremonies, and be present for the burial or cremation. Most Chinese Buddhists follow the Mahayana tradition of Buddhism, believing that there is an intermediate period (called *Antarabhava* in Sanskrit, or *Bardo* in Tibetan) between death and rebirth. During this critical time, family members can exert an influence on the form the beloved will take in rebirth. All funeral participants ensure that specific prayer and remembrance procedures are appropriately performed by family members, friends and monks to assist the departed in making a favorable rebirth.

observances, but are not essential, as this duty can be carried out by friends and relatives. A public funeral ceremony is typically held 49 days after the death.

In cases of cremation, the closed casket is taken to the crematorium with family and friends in procession. Family members lead the way, entering the crematorium with the casket. Later, family members will observe 49th and 100th day anniversaries, with family members returning from out of town to the community, where they gather at the temple. Candles and incense are continuously lit for 100 days at the altar, dedicated to the deceased.

Ceremonies are held for the deceased after 100 days; on the anniversary of the death; Tet, the lunar New Year, and the 1st and 15th of each lunar month. Families hold dinners on the 49th and 100 days after death, and on the first anniversary. Additionally, they may also have dinner every following year on the anniversary of the death.

In cases of burial, there is an additional ceremony three years later, when the body is exhumed and the bones are cleaned, reordered, and reburied in a small coffin made of clay. This ceremony is attended by only the closest friends and relatives.⁷ The dead are also remembered on Buddhist All Souls' day, in August, when it is customary to perform special services at the temple.

Christian funerals

Most countries have a single numerically dominant religion. The vast majority of North Americans – nearly 262 million members in the U.S. population-define themselves as “Christians.” Christians can be sub-categorized as Catholics, Protestants, or a third identity, called Orthodox or Eastern Christian. Of the 76.5 percent of Americans in 2001 who identified themselves as Christian, the two largest groups were Protestant (52 percent) and Roman Catholic (25.4 percent).⁸

Christianity is not only divided into these branches, but also into religious bodies or denominations, and, within those categories, into

Common Christian funeral customs

In Christian practice, the deceased is typically taken to a funeral home and prepared for family viewing. At the funeral home, guests approach the casket, and pray silently for a few moments. When finished paying respect to the deceased, guests greet members of the deceased’s family and offer condolences.

The burial traditionally takes place at a cemetery or mausoleum. Family and friends gather together, and a clergyman will recite the appropriate prayers. While it was once common to stay until the casket was lowered into the ground, today, the casket is usually lowered after everyone has left the cemetery. If the deceased has been cremated, the remains are placed in an urn and may be kept by the family or scattered at a designated destination.

A gathering or wake usually takes place immediately after the interment or is announced at a later date. This gathering is an opportunity for

Protestant funerals

Martin Luther and John Calvin founded the Protestant Reformation, in opposition to the Roman Catholic Church, in the early 1500s to the mid-1600s. Since the Protestant movement’s formation, the religion has divided into over 1,000 denominations, each based on a different interpretation of Jesus’ teaching. Contemporary Protestant traditions include those of Baptists, Methodists, Lutherans, Presbyterians, Episcopalians, and Pentecostal Christians, and many other distinct beliefs and practices.

The multitude of denominations within Protestantism all revolve around the Christian theme of life after death, with each interpretation stressing different dimensions of the religion. In Lutheran funeral practices, for example, there is usually a last viewing before the beginning of the funeral service takes place, after which the funeral coffin is closed, and there is usually a burial service for the dead. The service may take place in a church, but can also be held in a private home, funeral home or crematory. Mourners may also be invited to pray at the burial site, and those nearer to the grave may throw handfuls of earth onto the coffin as it descends into the earth.

Presbyterianism funerals take place two to four days after the death, with most services held in the church sanctuary, and no form of interment is specifically encouraged or discouraged. Worshippers are urged to provide the “ministry of presence” to those who have experienced a loss, by calling, writing, or visiting the bereaved. In Protestant practice, a brief prayer is said for the deceased at the church on the Sunday following the death. The funeral may take many different forms and may include speeches and readings by relatives and close friends.

Protestant funeral services most commonly take place at a funeral home, usually within three days of the death. A minister will usually conduct the service, although, increasingly, there is greater participation from family and friends in the actual service. Visitors are not expected to participate, although some services include a time for spontaneous testimonials about the life of the deceased. Protestant ceremonies usually include scripture lessons that relate to death and the Christian concept of resurrection. The service may also include prayers, a sermon, and a group reading or singing of hymns.

specific congregations or church attended. Different denominations within Christianity reflect divisions based on ideology. All denominations shared a common history until an ideological division, or even a geographical separation, created a schism between two interpretations of belief. All church denominations (the Catholic Church, or United Methodist Church, for example) were once unified. Eventually, different interpretations of doctrine demanded different spiritual or behavioral requirements of a follower or followers.

the family to offer thanks to those who have helped during their time of sadness and to also memorialize and celebrate the life of the deceased. Food and drinks are commonly served at these gatherings.

Traditionally, one was expected to wear black when visiting the funeral home or attending the funeral. Today, dark colors and conservative attire are generally considered to be appropriate. To offer gestures of sympathy, it is proper to send the bereaved family a card or letter of condolence, flowers to the family’s home or to the funeral home, or make a charitable donation on behalf of the deceased.

Because funeral services may vary depending upon the denomination, church, and final wishes of the deceased or the deceased’s family, it is best to ask about specific arrangements. A funeral Mass or service may take place in a church or funeral home chapel. Specific details regarding the funeral service are generally posted in the local newspaper.

Sending flowers, cards and charitable donations in the name of the deceased are appropriate displays of sympathy to the family. In some cases, the family may request that those attending the service provide a donation to a charity in the name of the deceased. In general, Protestant funerals are preceded by a visitation period with the casket open or closed, depending on the family’s wishes. The casket is typically closed during the actual funeral service.

Protestant funerals are varied in their customs, and individual churches or families may diverge considerably from the norm. The service is typically tailored to the wishes of the deceased and his/her family. Notification of clergy members should be carried out as soon as practical. There are no restrictions placed on removal of the body. Embalming is commonly allowed, and there are few restrictions in dressing the deceased. His or her own clothing or clothing purchased from a funeral home may be used. Similarly, no particular restrictions or requirements are placed on the type of casket used. Both the clothing and casket are left to the discretion of the family.

Protestant funeral services generally begin with calling hours or visitation prior to the funeral, which can be the evening before or the morning of the service. Guests are able during this time to pay their respects to the deceased and give condolences to the family. While black clothing is no longer necessary for Protestant funerals, guests should dress in a modest or subdued manner. It is common to send flowers, cards or charitable donations to the funeral home or the church where the funeral takes place.

At the funeral itself, communion may be offered to the family the morning of the service. Families make the ceremony meaningful by selecting music, hymns and scripture readings of significance to the deceased. Following the ceremony, a brief prayer service is held at the cemetery before interment. The funeral service usually includes scripture readings from the Bible, hymns and a sermon. A close friend or family member will most likely offer a eulogy discussing important points of the deceased’s life.

The family often hosts a gathering following the funeral to share memories of the deceased and help the family deal with their grief. Food may be sent or delivered in person to the family’s home.

Protestant funeral services

The order of the service and processions are left to the family and/or clergy's discretion, but generally approximate the following orders:

Funeral	Funeral cortege order	Committal service
Scripture reading	Escort and/or lead car	Procession to the grave
Prayer	Clergy	Seating of the family
Musical selection	Honorary casket-bearers	Placement of casket-bearers
Eulogy(s)	Active casket-bearers	Use of sand or flower petals by the clergy
Sermon	Casket coach	Benediction
Musical selection	Hearse	Dismissal
Benediction	Family of deceased	
Recessional	Friends	

The Orthodox Church

The Orthodox Church is also referred to as the Eastern Orthodox Church, the Oriental Church, the Christian Church of the East, the Orthodox Catholic Church, and the Graeco-Russian Church, and may also be called Greek Orthodox, Russian Orthodox, Syrian Orthodox, Serbian Orthodox, or Romanian Orthodox. While these names highlight national or cultural distinctions, all are names for the same church, practicing the same faith and rituals.

The Orthodox Church allows autopsies to determine the cause of death or for purposes of medical science, and there is no prohibition or objection to organ donation. However, the Orthodox Church typically requires burial of the dead, viewing cremation as an act of desecration. Church burial is denied for cremated remains, some suicides, and stillborn or unbaptized children, although a Trisagion Prayer may be read at the graveside (see next page).

According to the Holy Canons of the church, a Christian body must be returned to the earth. Cremation is specifically forbidden, as the body should be placed in a casket and set in a grave. Some lay organizations hold specific funeral rites during the evening wake, before the priest arrives, to conduct Trisagion prayers, or at the graveside after the committal. While there are variations from one parish to another, the following liturgical rites for the burial and the remembrance of the dead are fairly standard in most Orthodox communities.⁹

- Office of the Burial of the Dead. This rite is usually performed in the church temple, with the coffin at the middle of the temple, but can also be performed at either a funeral home chapel or a cemetery chapel. The priest should be contacted as soon after the death as possible to be sure that the funeral details can be arranged in accordance with the traditions of the church.
- The services (Panichida, Lite, Parastas, or Trisagion) for the departed occur:

- At the funeral home on the evening before the burial.
- On days of special commemoration, including the ninth day, 40th day, yearly anniversaries, and memorial Saturdays.
- The Lite (or Trisagion) for the departed can be celebrated at the conclusion of almost any service. The Panichida, however, should not be sung at the conclusion of a Resurrectional Divine Liturgy on Sunday, nor are funerals held on Sundays. (Memorial services are typically held on Saturday evening, immediately before the vigil service.)
- The Trisagion Service is a very brief memorial service that includes closing hymns also found in the Rite of Burial, or funeral service. It is customary on the evening before the funeral as well as on anniversaries of a person's death and some other occasions for the priest to read Trisagion Prayers, which are structured in the following way:
 - Opening doxology.
 - The Hymn: "Holy God, Holy Mighty, Holy Immortal, have mercy on us," and other short prayers that conclude with the Lord's Prayer.
 - A series of hymns, called "troparia," asking God to grant the departed eternal rest.
 - A Litany for the departed, with responsive reciting of "Lord, have mercy" three times after each petition.
 - The final blessing.
 - The closing exclamation; "Grant eternal rest, O'Lord, to the soul of thy departed servant and make his/her memory be eternal" with responsive recitation of "memory eternal."
- In most instances, the Trisagion service is also celebrated at the cemetery at the time of burial. These hymns and prayers are repeated at the conclusion of the Rite of Burial.

Catholic funeral services

The funeral Mass often involves a procession from the funeral home to the church. A pall or flag may cover the casket. The church procession begins in the Narthex (the vestibule leading to the nave of the church). The processional order for each part of the service follows:

Funeral home to church	Funeral cortege	Committal service
Crucifer	Escort and/or lead car	Led by the priest, acolytes, and casket
Priest	Priest and acolytes may ride in lead car	Seating of the family
Funeral director	Honorary casket bearers	Placement of casket bearers
Casket and casket bearers	Active casket bearers	Use of sand or flower petals by the clergy
Family	Casket coach/hearse	Benediction
	Family of deceased	Dismissal
	Friends*	

**Only those closest to the family should go to the cemetery.*

Funeral

The following practices take place at the church:

- The coffin holding the body of the dead person, is carried, feet first, into the church, and set in the center of the nave, facing the altar, for the burial service.
- The coffin is opened and an icon of Christ or the patron Saint is placed in the deceased's hands.
- A wreath (with the Trisagion printed on it) is placed on the forehead of the departed.
- The hand-cross is placed in the coffin near the head of the departed.

After the priest blesses and anoints the body, he folds up the paper prayer known as the "Prayer of Absolution," putting it in the deceased's left hand. Placed on the deceased's forehead is a piece of paper with the following prayer: "Holy God, Holy Mighty, Holy Immortal, have mercy on us. This paper band signifies a crown of glory or victory for completing life's course." The priest says the prayer at the end of the funeral service, at which time he proclaims that the sins of the departed are forgiven. While these two customs are not universal among all Orthodox Christians, they are observed in many

churches. The Prayer of Absolution is read in all cases, either from the paper placed in the coffin or from the service book.

- The worshippers are distributed candles, which are lighted by the priest, and are held almost until the end of the service.
- After dismissal and the "memory eternal," friends come to pay their last respects to the deceased, and may kiss the hand-cross on the side of the coffin or the icon placed in the deceased's hands. Close relatives are given a few minutes alone with the departed. Then, the coffin is closed and carried from the church to a hearse. The choir sings the Trisagion, and the bells are rung.
- The funeral cortege proceeds to the cemetery, where a short graveside service of entombment is sung by the priest.
- The Blessing of the Cross: It is customary to mark the place of burial with a grave mound and a cross, which may be depicted on the gravestone or stand above it. The cross should be placed at the feet of the deceased, so he or she will be facing it. When the monument is placed on the grave, the parish priest joins relatives of the deceased at the cemetery for The Rite of Blessing of the Cross.

Memorial services

A memorial gathering (makaria) after the committal at the cemetery is common. While it holds no religious significance, it provides an opportunity for guests to extend expressions of sympathy to the bereaved and for the family to express thanks to those who attended the service or assisted in some way.

Memorial services (mnimosyna) are customarily held in conjunction with the Divine Liturgy on the 40th day after death and on the first and third anniversaries of the death. Traditionally, when the memorial

services are celebrated, a dish of boiled, soft-shell wheat or barley is prepared by the relatives or friends of the deceased and sweetened with sugar, honey, raisins or dried fruit. Called kolyva, the sweetened boiled wheat symbolizes the resurrection of the dead and sweetness of the afterlife. This kolivo is offered to all participants in the remembrance service. Those who offer memorial services usually purchase and distribute candles to the clergy, singers, and all others in attendance, as lit candles symbolize hope in the Resurrection.

Roman Catholic funerals

There is no restriction on removal or preparation of remains unless the deceased was a priest or a nun. Religious articles are removed during embalming. In 1963, the Vatican lifted the ban on cremation for Catholics, allowing cremation under certain circumstances, and if the remains are treated with the same respect given the human body from which they come. Some practices, such as dividing the cremated remains among family and friends or keeping them in the home, for example, are forbidden, as they are seen as diminishing respect and dignity for the dead.

Unless the deceased is a priest who is dressed in the robes of the station or a nun who will wear her official robe, there are no special

requirements for dressing the deceased. Rosary beads are often placed in the hands of the deceased, and a crucifix may be placed on the outside foot panel of the casket, or inside the head panel. The Sacred Heart is placed inside the head panel.

While a Roman Catholic funeral follows relatively formal guidelines, Catholic funerals also vary according to individual, family, and church. Personal heritage and cultural tradition play a large part of the Catholic ceremony, influencing the tone and structure of a Catholic funeral and stressing the deceased's heritage, be it Irish, Russian, Italian or other.

Wake

Usually, the second day after the deceased passes away, friends and family hold a visitation (also called a wake, or "calling hours"), typically held at a funeral home. The wake is usually scheduled the evening before the funeral, and includes a brief prayer service, or rosary recitation, usually conducted by a priest or lay minister at the funeral home. Friends of the family may send flowers or gifts, although it is not uncommon for the family to request a donation to charity. Catholics may also purchase Mass cards, which are typically displayed in the funeral home.

While a priest usually officiates at the wake, anyone may recite the prayers. The casket is usually open during the service. Flowers are displayed at the wake, and music may be played. One candle (called a vigil light) is placed at the head and one at the foot of the casket. A prie dieu, or prayer bench (for kneeling), is placed in front of the casket and a crucifix is put behind the casket. There may also be holy water and incense at the service, and a tray for Mass cards in the vestibule. Immediately following the wake or on the third day, a Catholic funeral is held.

Funeral and mass

The following day, family members and close friends gather at the funeral home to proceed to the church. The Roman Catholic funeral ceremony typically begins at the funeral home, proceeds to the church for a Mass, then to the graveside, where there is additional liturgy. While usually open at the wake, the casket is closed during the funeral service.

The funeral service is held at a church. Catholic guests may bow at the knee when they enter the church, a gesture neither required nor expected of non-Catholics. A funeral service, in which prayers for the deceased and a eulogy are said, may stand alone or be part of a larger ceremony known as a Mass (although a eulogy is not allowed during a funeral

Mass). During Mass, the priest reads from Scripture, leads prayers, and administers Holy Communion. Non-Catholics are encouraged to stand during appropriate parts of the ceremony and sing or speak with the service if they choose, but should not take communion.

The family typically sits on the right side of the altar, with the casket-bearers sitting on the left side. Mass is followed by the final Commendation (Absolution), the use of holy water and incense, and ends with the recessional and blessing of the casket. Following the Mass, committal prayers are said at the cemetery prior to interment. Under certain circumstances, when the body is unavailable (because of cremation, or burial elsewhere), or if those participating are not Catholic, the funeral liturgy, outside of Mass, may be more suitable. In this case, the Rite of Committal at the cemetery takes place at a later time.

Islamic funerals

Islam is the religion preached by the Prophet Muhammad, who lived in Mecca about 1,400 years ago. “Islam” means peace or complete submission.¹⁰ Those who practice the religion abide by the following guiding principles:

- Belief in the one God, Allah.
- Belief in the Prophet Muhammad and the holy Quran.
- Belief in a day of judgment and a life after death.
- Commitment to fast for a specific period.
- To go, at least once, on a pilgrimage to Mecca (Haj).
- To give generously to the poor (Zakat).
- To fight on behalf of Allah (Jihad).
- Prayer five times each day.

Islamic states follow the law of the Quran, which prohibits slavery and emphasizes education and charitable pursuits. Prostitution, drinking alcoholic beverages, gambling, robbery, and adultery are prohibited in Islam. Spiritual cleanliness is an important tenet of the faith. The holy book, the Quran, prohibits eating pork or pork products, meat of dead animals, blood and intoxicants, and requires a period of fasting from dawn to dusk daily for one month a year. There is a strong emphasis on family ties. Islam promises a happy life in the afterworld if the individual follows the tenets of the Quran in this world.

People who practice the Islamic religion are called Muslims. Adherents number as many as 1.3 billion worldwide, and live in the Middle East,

After death

As soon as the person is known to be dead, family members should do the following:

- Turn the body to face in the direction of Mecca.
- Have someone sit with the body and read the Quran.
- Those closest to the deceased should close the deceased’s eyes and mouth, straighten the legs, and place both hands at the sides of the body.
- Begin to say prayers for the deceased’s forgiveness.
- Announce the death to increase the number of people praying for the deceased.
- Cover the face and entire body with a sheet or cloth.

Ritual bathing

After death, the body should be bathed and scented with flowers and oils in a ceremony known as “gusul.” It is obligatory for Muslims to wash the body. Male ritual bathers may only bathe deceased males; and females bathe deceased females. It is a sin to wash a body not of your gender. Variations in this ritual differ, but the body is always washed an odd number of times and water must touch all parts of the body.

If the deceased was male, the hair is washed and combed. If a female, the hair is loosened, washed, redone, and placed behind her back

The Rite of Committal is the final funeral rite, which may be led by a priest, deacon or lay person. It usually takes place close to the place of burial (grave, tomb or crematorium). This rite is relatively brief but, if it is the only funeral rite, it is typically expanded with music, readings, a homily, and petitions, and also includes the Rite of Final Commendation. A funeral reception, where food and drinks are served, may also be held after the services, according to the family’s wishes.

On the seventh and the 13th day and at the end of the year, a festive dinner or breakfast is organized by the deceased’s family. Mourning is observed for one year by close relatives of the deceased, and during this time they do not attend public or social functions.

Additionally, a Mass may be held on the annual anniversary of the death.

where it is a dominant religion, but also in parts of Asia, Africa and, to a lesser extent, in Europe, the United States and Canada. The top Muslim populations outside these areas are the countries of Indonesia, Pakistan, Bangladesh, India, Turkey, Iran, Egypt, Nigeria and China.

As many as 6 million Muslims have been estimated to live in the United States, where the number of adherents is increasing due to high birth rates among Muslims, conversion to Islam, and immigration (with immigrants representing as many as 60 percent, and African American and Hispanic converts totaling as much as 40 percent). While individuals are diverse in their specific observances, most Muslims build their faith around “The Five Pillars of Islam: Faith, Prayer, Fasting, Charity and Haji” (Pilgrimage to Mecca).¹¹

The two main branches of Islam are the Sunni and the Shi’a.¹² Worldwide, there are about 125 million Shi’ite Muslims, who live primarily in Iran, Iraq, Saudi Arabia and the Indian subcontinent, and 940 million Sunni Muslims, in virtually every other part of the world. There are significant cultural and doctrinal differences between Shi’ite and Sunni Muslims; when they coexist in the same area, they do not make up one religious body, but usually form their own, separate mosques. Sufism is sometimes classified as a separate branch of Islam or a pan-Muslim movement. The Nation of Islam is another subgroup that contributes to the numerical and ideological prominence of Muslims in the U.S, but may have very different funeral customs than Shiite or Sunni Muslims.

A mourning period of three days is usual, during which time before burial the face of the deceased may be uncovered. Excessive displays of grief or wailing may be discouraged in some cultures. During this mourning period, the deceased is never left alone. If the death occurs at home, the body should be taken immediately to a location where it will be bathed.

It is customary to bury the deceased as soon as possible after death, and after the Janazah Salah (funeral prayers) have been performed. Autopsies are generally not permitted unless required by law. Custom requires the body to be buried within 24 hours of the individual’s death. Typically, the burial takes place between sunrise and sunset on the day of or the day following the death. Cremation is prohibited.

in three braids. Washing should begin on the right side of the body, with three kinds of water used: water with leaves of a plum tree, camphorized water and “pure water.” If only one kind of water is available, caretakers should wash the body three times in the available water. After the body is washed and dried of water and perfume, the body is wrapped in one or more white cotton sheets (kafan).

The kafan should be clean and large enough to cover the entire body.

Ideally, if it does not financially burden the family of the deceased, a man should be wrapped by the material three times, and a woman, five times, although both can be wrapped only once if the shroud is not large. Men may not be buried in luxurious or expensive materials, such as silk, for example, but it is permissible for a woman.

Like bathing the deceased, shrouding the body is a collective obligation. A shroud is usually purchased with money left behind by the deceased. If the deceased left no money, the person accepting his expenses should purchase the shroud. If the deceased leaves no money and there is no caretaker, individual Muslims or the public treasury of the Muslims will pay for the shroud, for both men and women.

Funeral

The funeral ceremony is held in a funeral home or mosque. The body is carried in a coffin to the mosque and positioned with the face toward the direction of Mecca. The body is kept at the mosque for some time while the priest and others recite prayers (namaz). There is no open casket. The funeral should be very simple; extravagance in funeral arrangements or materials is discouraged, considered vanity and a waste of assets that is contrary to Islamic belief. Some cultures discourage the purchasing or placing of flowers on the grave, considering it a waste of money that might be given as charity to the poor on behalf of the deceased. Expressions of grief, in general, should be transformed into the practice of pious deeds.

The funeral service is conducted by the family priest (qazi). In some cultures, women do not attend funerals. If women are allowed, they typically must wear headscarves and sit in areas separated from men. If the funeral service takes place in a mosque, shoes are removed. The funeral service is usually simple and brief, less than an hour, with interment following, involving ritualistic chanting and readings from the Quran. Those in attendance will pay their respects by lining up and walking past the body before the deceased is taken to the final resting place. Close friends and the sons-in-law may see the face of the deceased before burial, but spouses, daughters and sons should not.

Typically, four people place the four corners of a bier, or stand holding the corpse, on their shoulders. No one should walk in front of the bier, but while the holders are changing shoulders, one may pass behind the

While Muslims in largely Islamic lands may be familiar with washing and dressing the body, family members living in the United States may be hesitant to do so, if not trained in the practice. Regional Islamic centers may teach the custom, serving the Muslim community in smaller cities and towns where Muslims are not personally familiar with the tradition. Mosques or Islamic centers may also import special water and the white cotton that wraps the body. If the Muslim client cannot identify anyone to assist in this obligation, the local masjid know where to find someone who can perform this service.

bier. The carriers repeat “Allah Akbar,” “God is Great,” and pray for blessing during the time they carry the body. Mourners should walk beside the bier, and those who are riding or driving should follow it. During this process, only the carriers should speak. Otherwise, silence is recommended.

At burial, family members and friends gather with religious leaders to pray and ask God for forgiveness. Expression of emotion is appropriate, with crying and praying encouraged, helping mourners release their sorrow. There is a sense that the bereaved must resolve their sadness before they can return to the events of daily life.

When the body is lowered into the grave for burial, the face should be resting in the direction of Mecca. While lowering the body, these words are recited: “In the name of Allah and with Allah, and according to the sunnah of the messenger of Allah upon whom be the blessings and peace of Allah.” Those attending the burial throw three handfuls of soil over the grave, while reciting from the Quran: On the first handful, “Of this (the earth), we created you;” on the second, “And to it shall we cause you to return,” and on the third, “And of it we shall cause you to be resurrected a second time.”¹³

After this, two stones are placed over the grave at either end and two trees may be planted over the grave. Nothing, including the Quran, should be left in the grave. The dead person is always buried without a coffin, with the head facing towards Mecca. The graves of Muslims are not otherwise marked.

Mourning period and memorialization

Following the funeral ceremony, friends and relatives typically go to the house of the deceased. Three days of commemoration are observed there, with recitations from the Quran throughout. A meal is often prepared and guests may stay the day and night, with close relatives staying the entire week. A meal is later served at the mosque for all those who attended the funeral service. Mourning for family members usually lasts for three days, and 10 days for a widow mourning her husband. It is customary to bring food such as baked goods, fruit or vegetable platters.

Those offering their condolences should not bring or order flowers for the family. A food donation or a money donation is more acceptable.

During the mourning period, emotion is openly expressed. The Muslim faith encourages family members to face and accept their bereavement. There may be a great deal of crying and discussion of how mourners will adapt to the new situation. Close family and friends are encouraged to be social and mourn as a family, to reassure and comfort the relatives. It is appropriate for family members and friends to listen to the grieving and offer comforting words.

Offering to the dead

On the third day after burial, a ceremony lasting several hours is held in the mosque, in which friends and relatives gather to pray. A religious leader will read from the Quran and pray with relatives and friends. It is believed that the prayers that are said for the deceased, at the time of death and the days that follow, will make the deceased's life better in the afterworld.

On this, the third day, snacks and fruits are served to all who participated in the funeral procession, and all the guests proceed to the grave and pour oil over the grave. On the tenth day, offerings are made again. Another feast is held on the 40th day and at the end of the fourth, sixth and the ninth month. Close relatives in mourning may wear black clothing for 40 days. At the end of this period, relatives

gather in the cemetery or the house of the deceased to pray from the Quran and ask for God's blessing. At this point, everyone except very close relatives and widows wears clothing in colors other than black; widows may wear black for up to one year.

Throughout the year, the deceased is remembered, with requests for blessings, prayers said, and donations to the poor made in the name of the deceased. This ritual is repeated at the end of the year when there is a ceremony to pray for, and to remember the deceased. It is believed that these rites elevate the status of the dead person in the eyes of Allah. At each occasion, food is served to people on behalf of the deceased.

Judaism

Studies estimate the number of observant American Jews at a figure of around 3 million, with as many as 1 million or 2 million more secular or non-religious Jews, who may observe some or none of the traditional funeral customs.^{14 15} Many different interpretations or ways of observing Judaism exist; orthodox, conservative, and reform Jews make up the vast majority of Jews. Other less common philosophies, or Jewish schools of thought, are represented by traditional, reconstructionist and Chasidic Jews.

In all cases, a Jewish funeral should be simple and dignified. Practices in this area are guided by two primary considerations: respect for the dead, and concern for the mourner. Mourning rituals are intended to initiate a process of healing through the expression of grief and the healing power of time. An outline of observances for the mourning period and funeral follow. This is a relatively brief introduction to many concepts. If you have any questions about the process or steps, consult a rabbi for further information, interpretation and guidance, as different families and individuals may deviate somewhat from these steps.

Aninut

Aninut is the period between death and the burial. Jewish law dictates that the time of burial not be delayed any longer than absolutely necessary, and preferably occur within 24 hours of death. A burial may be delayed for legal or logistic reasons, to transport the deceased, for example, or if relatives and friends need to travel some distance to attend the funeral. Neither arrangements for the burial nor the burial itself should occur on the Jewish Sabbath (Shabbat), which begins Friday evening at sundown and ends Saturday evening at sundown, or other days considered holy.

Families generally consult the rabbi as soon as they know of the death. If the family belongs to a synagogue, their rabbi will typically conduct the services. If the family is not affiliated with a specific synagogue, they can request a rabbi at any synagogue to conduct the service. In certain cases – accidental deaths, suicides, or death of a child less than 30 days of age – refer to the rabbi for directions.^{16 17}

The deceased are not left alone during the period before burial, as it is considered disrespectful to the body, so arrangements are made for individuals, called shomrim (guardian or watcher) to attend the body. Shomrim are usually members of the family or close friends of the deceased who maintain a constant watch over the body, usually one individual during the day and another at night, and may read passages from the Book of Psalms.

Taharah and Takhrikhim (cleansing and shrouds)

The ritual washing of the body, Taharah, is accompanied by prayers and psalms, and is typically supervised by members of the hevra kadisha. Then, the body is dressed in a simple handmade white shroud (takhrikhim). Jews are typically buried in plain white linen or cotton, to emphasize the equality of all people before God. The same principle is reflected in the plain, wooden coffin (aron) required for burial. Wooden coffins are also used in Jewish funerals to avoid interference with the natural process of “returning to the earth.” Only an all-wood casket that contains no metal can be used.

Mourners

While everyone who was acquainted with the deceased feels grief and mourns the death, specific responsibilities or roles are assigned to seven individuals, in particular: the husband, wife, mother, father, son, daughter, brother or sister (including half-brother and half-sister), immediate family members who are expected to fulfill formal

Even after death, the body is considered sacred, and must be treated with respect and consideration. Embalming, cremation, the use of cosmetics on the deceased, and organ donation are generally considered desecration of the body by formal Jewish law, but interpretations of law vary, and individuals may choose organ donation or cremation, and make the decision known to family and friends. In most cases, customs, the local rabbi’s interpretation of tradition, and an understanding of the deceased’s wishes guide the mourner’s decisions. Some Jews, for example, consider organ donation an example as Kavod Hamet (respect for the deceased) or a mitzvah (good deed).

The practice of autopsies is also, typically, contrary to Jewish law, as an autopsy may be viewed as a desecration of the body. When an autopsy is required by law, it should be supervised by a rabbi familiar with the procedure. Embalming is typically only permitted when required by law.

After death has occurred, the eyes and mouth of the deceased should be closed and a sheet should be placed over the deceased’s face. Jewish law requires that the deceased be bathed according to specific ritual, a highly valued mitzvah (good deed) carried out by specially trained individuals called a hevra kadisha (holy society). Hevra kadisha traditionally supervise all Jewish funerals. Its members are often volunteers, who assist the family of the deceased in practicing Jewish customs and traditions. Holy society members make many of the funeral and burial arrangements, coordinating car service, sending sympathy acknowledgment cards, and seeing that obituaries get published, for example.

Between the time of death and the funeral, an immediate family member of the deceased, called an onen, is designated. During aninut, the onen is excused from other religious obligations, so that he or she may arrange the funeral and burial matters for the deceased. The onen does not conduct his or her usual business or professional duties, indulge in “luxurious” pleasures, drink wine, or eat meat (except on Shabbat or an approved festival) while assigned to this role. Visiting the onen during the time between death and burial is discouraged, as nothing should distract the onen from his/her primary obligation, to attend to the needs of the deceased. This caveat does not apply when organized groups, such as hevra kadisha, or commercial firms take care of burial needs. In those cases, the participation required of family members is minimal.

Jews do not display the body or have a wake, as viewing the body either publicly or privately is contrary to Jewish tradition. The coffin should never be open to the public at the funeral. If the coffin is to be opened, it should take place prior to the funeral service, and only be opened to the intimate family. While objects of value or favorite items are generally not buried with the dead, a Jewish male is customarily buried wearing his kippah, or yammakah (ritual head covering) and his own talit (prayer shawl). The fringes of the talit are cut, however, to make it ritually unfit, before it is buried with the body.

obligations and observation of the mourning period. While in-laws and grandchildren also grieve the death and are permitted to observe the mourning rites, they are not obligated to do so. Males under the age of 13 and one day, and females under the age of 12 and one day, are not expected to observe the laws of mourning as adults.

K'riah (ritual tearing)

Mourners traditionally participate in the rite of K'riah, which takes place just before the funeral service. The mourner recites a benediction and participates in a ritual in which a tear is made in a visible portion of clothing or a black ribbon attached to the clothing. Worn as an external symbol of inner grief, the tear is on the left side, close to

the heart, for a parent, and on the right side for anyone else. The torn garment or ribbon is worn throughout the mourning period, but should not be visible during the Sabbath. K'riah is observed whenever one learns of a parent's death, regardless of the length of time that has elapsed since the day of death.

Funeral

Funeral services take place the day after death, unless it is the Sabbath. The occasion is solemn. It is not appropriate to send flowers to the bereaved, but food is permitted if it is kosher. Friends and associates of the deceased who wish to express condolences in a tangible way are encouraged to contribute to a charity (tzedakah) important to the deceased, or plant a tree dedicated to their memory. This is a way to emphasize concern for the living and extend the influence of the deceased after he or she is no longer living.

Neither flowers nor music are permitted at the funeral service, although a cantor may chant memorial prayers. Attendees are expected to wear respectful attire in subdued colors. Head coverings may be required: for orthodox and conservative services, men, and in some congregations, women, are required to cover the head (typically kipah or yammakah for men and scarves for women). At Reformed services, the choice is typically optional. Most synagogues will provide the head coverings at the entrance to the chapel if they are required. Women attending orthodox and conservative services are expected to cover

their shoulders, arms and legs to the knee. Mourners should not enter the service during the recessional, processional or eulogy.

Funeral services are held in synagogues, at funeral homes and grave sites. Conducted by rabbis, they are typically brief, simple ceremonies, lasting between 15 minutes and one hour, and include a traditional memorial prayer and a eulogy honoring the dead. Services start with the Kaddish, which is usually said by the son. If there are no sons, family members designate someone else to say Kaddish, which honors the deceased. Said in commemoration, and generally considered a prayer for the dead, the Kaddish is an affirmation of life and hope for the future.

At a funeral, the casket is covered with a special cloth, called a pall. It is customary for the family to select six to eight people, not the immediate mourners, who were close to the deceased to serve as pallbearers. They carry the pall and coffin from the chapel to the graveside in a slow procession, pausing a traditional seven times on the way to the grave. Attending the funeral service and walking behind the coffin after the funeral or at the cemetery are signs of respect. Only close friends and family members proceed to the cemetery for burial.

K'vurah (burial)

It is tradition for the burial to take place as soon as possible, even on the same day of the death, but no more than two nights after the death. Only close friends and family attend interment. After prayers are said, each person places a shovelful of dirt on the casket, and the immediate family recites the Kaddish. After burial and the Kaddish, immediate family members leave, passing between two rows of people (the rest

of the funeral procession), to receive expressions of consolation. It is traditional to wash one's hands when leaving the cemetery, before entering the house of mourning. Once the burial has taken place, shiva (the mourning period) begins. Non-Jews may or may not be buried in a Jewish cemetery. Consult a rabbi or a committee on Jewish laws and standards regarding applicable rules.

Seudat havra'a (condolence meal)

It is customary for family, friends, and neighbors to arrange a condolence meal to be served to mourners at the house of mourning when they return from the cemetery. Traditionally, round foods (like

eggs or lentils), which symbolize the cycle of life, are eaten at the meal, but meat and wine are not served.

Shivah (initial period of mourning)

Shivah, the seven-day period of mourning observed by the immediate family (the mourners, as specified above), begins the day of burial. Typically referred to as "sitting shivah," the period is a contemplative time in which the mourner can begin to adjust to life without the deceased. Mourners usually stay together, away from work or school, at the home of the deceased or one of the mourners, essentially removing themselves from daily routine, studies, and business or professional responsibilities. If severe financial loss would result from not working, the rabbi should be consulted.

It is customary for mourners to divest themselves of vanity items or practices, covering mirrors or turning them toward the wall in the house of mourning, and "luxurious" comforts, symbolized by soft pillows or the wearing of leather footwear. For that reason, cushions are removed from couches, mourners sit on low stools or benches, and the mourners do not wear leather shoes or slippers. Traditional practices include:

- Lighting a seven-day candle upon returning home from the cemetery.
- Refraining from sexual intercourse.
- Refraining from bathing, (except for hygienic purposes).
- Refraining from changing outer garments (clothes that touch the body can be changed for hygienic purposes).

- No anointing the body, use of cosmetics, or haircutting.
- Males refrain from shaving.

Exceptions are made for pregnant women and any others for whom any of these steps might cause harm or physical difficulties. Certain holidays and Shabbat are excluded from these practices. While Shabbat is included in counting the seven days of shiva, no outward signs of mourning should be visible on the Sabbath; mourners may wear leather shoes, sit on regular chairs and wear clothing without the torn garment or ribbon. Those in mourning still attend synagogue services on Sabbath and holidays, where it is customary to recite prayers and lamentations.

Condolence calls (nichum avaylim), visits to comfort the mourning family members, are appropriate during the seven days of shivah, except on Shabbat. Also during this time, it is customary to recite the phrase "may he/she rest in peace," and "of blessed memory" (in Hebrew or English) after mention of the deceased's name. The initial period of shivah ends on the morning of the seventh day. To mark its end, mourners typically take a short walk outside of the home together, to symbolize a return to their normal life and routine.

Shloshim

During the 30 days following burial (shloshim), after the observance of shivah, mourners return to daily work and activities, but refrain from shows, entertainment and purely social activities. Mourners do not take part in the celebration of weddings, bar/bat-mitzvahs, or any other events where music is played. Mourners do not cut their hair, shave, or wear new clothes; the k'riah is usually worn throughout shloshim; and mourners participate in synagogue services daily and recite Kaddish,

but do not perform religious rituals at home. Shloshim ends on the morning of the 30th day after the funeral.

Sons and daughters of the deceased maintain these restrictions beyond the 30-day period, reciting Kaddish for eleven months, minus one day, counting from the day of death. Other mourners may choose to say Kaddish for the deceased during this period as well.

Visiting the grave

Customs vary as to when one may visit the graveside. Some go on the day they finish sitting shivah; others go at the end of the shloshim; others do not go for 11 months. Generally, it is considered inappropriate for any guests to visit the grave of the deceased until 30 days after the funeral. Visitors to the grave place a pebble or small stone on the grave, instead of flowers, as an expression of respect to the deceased.

It is customary to place a tombstone on a grave and dedicate it in a brief ceremony or unveiling that takes place within a year of the death, at any time after the end of shloshim. A rabbi or cantor may conduct a brief service at the graveside, and family members may recite prayers and psalms.

Yahrzeit (anniversary of death)

Yahrzeit is observed each year on the anniversary of the day the person passed away, according to the Jewish calendar. One who is not certain of the day when a relative died should select an appropriate date on which to observe yahrzeit each year. A candle should burn in the home during the 24-hour period of yahrzeit, sunset to sunset, starting on the evening preceding the day. It is appropriate to fulfill some mitzvah and to donate tzedakah on the anniversary in honor of the dead on this day. Family and friends gather on the yahrzeit for the purpose of recalling

the deceased. Many people visit the cemetery on the occasion of yahrzeit, when Jewish custom again indicates that stones, picked up at the graveside, be placed as a memorial sign on the tombstone.

Mourner's Kaddish is recited at all services on the yahrzeit. Many people visit the cemetery on the occasion of yahrzeit, placing a stone as a memorial sign of the visit on the tombstone, and washing their hands after the visit as a symbol of purification.

Yizkor (memorial prayers)

Yizkor in Hebrew means, "remember." Yizkor is a prayer said in memory of the person on certain holidays throughout the year. The yizkor is recited on Yom Kippur; Sh'mini Atzeret, the eight days of Pesach, and the second day of Shavuot. Some Jews follow the custom of lighting a yahrzeit candle on each of these occasions, others only

on Yom Kippur. During the first year of bereavement, one may attend yizkor services (although this is not an obligation), but should not say the prayer, as mourners are still saying Kaddish for the deceased each day for the first 11 months after death. A memorial candle is lit before the yizkor day and on Yom Kippur, in memory of the deceased.

Masonic funerals

Freemasonry is not a religion, but a fraternity that recommends men involve themselves with a religious faith of their preference, and stressing the brotherhood of man under the fatherhood of God. The participation of the Masonic Institution in a funeral service is an expression of its fraternal affection for the deceased and for his family, rather than an exclusively religious ceremony.

Masonry includes many auxiliary groups or organizations. The basic unit is the lodge (or "Blue Lodge") to which every Mason belongs. The lodge is the unit that typically conducts a Masonic funeral, but on occasion, another organizational body may hold a funeral service. The Order of the Eastern Star, for example, which includes women and men, will sometimes officiate at the funeral of a female member.

Members are not obligated to have a Masonic funeral; it is never required by the Masonic order. Any member in good standing at the time of his/her death may have a Masonic funeral if the deceased or his family requests it. With a few exceptions (such as the Knights

Templar), a Masonic lodge is composed of individuals of different religions. Masons are Christians, Jews, Muslims, Hindus, Buddhists and other faiths, so Masonic services are sensitive to these religious beliefs and practices. Similarly, the Masonic order has no desire to displace or hinder a religious leader or service, and will assist clergy in any way possible.

Masonic involvement may range from members conducting all or part of the service to simply attending, and who will do as much or as little as the family requests of them. While there is no single Masonic funeral service, there are some common elements that may be unknown to the general public. The presiding officer may wear a hat while conducting the funeral service, and lodge members may place sprigs of evergreen on the casket to symbolize immortality. A small white leather apron, called a "lambskin," may be placed in or on the casket. It is the badge of a Mason and his to wear in death. Some Masonic services are comparatively long, and wording of Masonic funeral services may sound old-fashioned.

Mexican-American funerals

Mexican-American funeral rituals include elements of Anglo, Aztec, Mayan and Spanish cultures, combining aspects of their unique communities with cultural and national traditions. Some common elements in Mexican-American funerals are the great significance of the ritual, the many people who attend, open expression of emotions, and a philosophy that embraces death as a natural part of

life. Children, for example, are not shielded from death, as is more common in mainstream U.S. culture.

Elaborate funerals and long mourning periods are not uncommon in Mexican-American funerals. In some cases, family, friends – even the entire community – may participate financially, giving the loved one what is considered a "proper funeral." Everyone attempts to attend

the funeral to pay respects. Ceremonies may be very expensive and elaborate, with caskets that have religious sets on the head panel or special hardware, and may include scenes such as Our Lady of Guadalupe or the Last Supper.

Flowers and floral tributes often have religious connotations, such as a rosary of rosebuds and blooms arranged in the form of a cross. In preColumbian times, small flowers similar to marigolds were associated with death, with Aztecs using them to decorate elaborate designs on graves. One should not give someone of Mexican descent marigolds because of this association. These flowers may still be used to adorn graves, or used to draw figures and write names. These flowers may also be used to make a pathway from the home to the cemetery or be scattered around the house of families who have suffered a death in the past year.

Most Mexican-American funerals have either a Roman Catholic or Christian component. A Roman Catholic funeral usually consists of a wake, a funeral service and/or Mass, as well as a final ceremony at the graveside. The wake is typically held at the family's house or the funeral home. During visitation, some members will pray the rosary and may want to kneel. To accommodate these prayers, a funeral director can hold visitation in a parlor that has chapel seating. For nine days following death, family members may bring candles to their church and light them at the altar. During the Mass, the priest will read scriptures, lead prayers, and may offer Holy Communion.

Increasingly, the Mexican treatment of death is becoming more like the traditional orthodox service performed in Catholic churches worldwide. Elements of death and bereavement also follow the pattern of an orthodox Catholic service, with funeral arrangements made quickly to ensure a prompt burial, which is preferred. The Catholic Church does not encourage cremation.¹⁸ Christian or Protestant funeral services, like the orthodox service, typically focus on the deceased's entry into heaven, with services usually consisting of a visitation or wake, the funeral service or Mass, and a graveside service.

The following characteristics are more common in the arrangement of a Mexican-American funeral:¹⁹

- The entire family may plan the funeral.
- Mexican-Americans expect almost immediate access to the body. If arrangements are made in the morning, they want the body to be prepared and lying in state by that evening.
- Visitation can last longer than two days, with families arriving for the wake early and staying until closing time or beyond.
- Children play an active role and are encouraged to participate in all services – visitation, funeral and committal.
- Funerals are often considered social events, almost like family reunions with a lot of food and conversation.
- Mexican-Americans generally feel an obligation to pay their respects to the deceased and to their families, so accommodations will need to be large enough to hold large numbers.
- Relatives will throw a handful of dirt on the coffin before the grave is filled.
- Strong emotions are usually a part of the service, as well as the time following the service.

The Church of Jesus Christ of Latter-Day Saints (sometimes referred to as the “LDS Church” or as “The Mormon Church”)

The Mormon Church, which at one time was mainly found in the western United States, has in recent years experienced significant growth. It is now common to find members in every state in significant numbers. Members often refer to one another as Brother (last name) and Sister (last name.) They are very family oriented, and large families are not uncommon. They also have a very orderly theological hierarchy, and are traditionally very respectful of it. They consider Jesus Christ to be the savior of all mankind and that through his atoning resurrection, all mankind may be saved. Mormons believe that death is a necessary

- In most instances, they will insist on seeing the deceased no matter what the cause of death or how traumatic it was.

In an urban setting, the body is more likely to be on view at a mortuary, while in rural areas, friends and relatives come to the home of the deceased where the body lies in state. The casket will be set atop a table or stand, while underneath, herbs and candles will burn, with a scent similar to incense. When the body is viewed inside the family home, drinks are served and people socialize, discussing the deceased with family and friends. Little attention is given to the actual body, although it is present. The casket is accompanied to the graveside at the cemetery, where guests may stay for longer periods, walk around the cemetery, and visit other family members' or friends' graves.

Many Hispanic are Roman Catholics who have representations of the saints and the Virgin in their homes, to whom they light candles and pray. Catholic beliefs are sometimes mingled with indigenous traditions that may emphasize holy place, miracles, penitence and sacrifice.

The Day of the Dead, which begins on or around October 31, is an important ritual associated with death that also varies according to culture and geographical location. It is a joyous celebration that invites the dead to enjoy the things they left behind. Popular symbols of the celebration are skulls and skeletons. People may dress as skeletons or draw skeletons to represent those who have died. There is great festivity, as families joyfully celebrate the dead family and ancestors.

While The Day of the Dead is a community event, it is essentially a family affair in which the living reunite with others, both living and dead, in a celebration paying respect and showing love for the deceased in a ritual that is meant to reassure the living that they will always be remembered when they die.

One of the main features of The Day of the Dead is an altar in the homes of loved ones who have lost family members. The altar is three tiers high, and covered in tissue paper of the following colors: purple (symbolizing pain), white (for hope) and pink (for celebration). Candles in the same colors cover the altar, meant to illuminate the way for the dead when they return for the celebration. Four candles are placed on the top tier to signify the four cardinal points. Three candy skulls, representing the Holy Trinity, are placed on the second level. On the third tier is a large skull representing the Giver of Life. Copal incense is burned at the altar to keep bad spirits away.

Pan de muerto or “Day of the Dead bread” is offered, with candles and fruit, at the altar. A towel, soap and a small bowl are placed on the altar for the spirit to wash after the long trip. There is also a pitcher of water meant to quench their thirst and a bottle of liquor to symbolize festive times. Flowers are used to decorate the altar, with the flower's petals used to form a pathway for the dead to find the family banquet.

Bread is also one of the items taken to the cemetery, with each village making a characteristic pan de los muertos, which is left on the grave of the loved ones, in anticipation that spirits will come out and eat the food. The family takes home what is left behind or eats it at the cemetery, but practices vary by village. In some cases, a big picnic, decorated with candles and flowers is featured, with the intent that both living and dead members of the family will eat together.

part of the eternal plan to return to their heavenly father from which they came. Death is a spiritual reunion with family members which have gone on before in a state of paradise where the immortal spirit abides until the Resurrection, at which time the immortal spirit will be united with an immortal, perfected body, for eternity.

Mormons use the traditional Holy Bible but in addition, they have other scripture including “The Book of Mormon, Another Testament of Jesus Christ,” from which the nickname “Mormons” comes. Services

are usually held at a Mormon chapel (also called a ward building), and are frequently upbeat. They frequently have a “traditional funeral” with visitation and burial, but cremation rates have increased.

The church organization is set up with a lay clergy leadership, meaning they have an unpaid clergy who frequently hold down full-time jobs in the community as well as serve in leadership positions in the church. All males beginning at the age of 12 are ordained to different levels of the priesthood. At about the age of 18, young men are ordained to the priesthood calling of elder. An elder can carry out most priesthood responsibilities within the church. The church is divided into “wards” or smaller “branches” determined by geographical boundaries. Each ward is lead by a bishop or branch president who is assisted by two counselors. Frequently, the family of the deceased can provide the funeral director with the name and contact information of their bishop or branch president if this information is unknown by the funeral director. It is most helpful if the funeral director contacts the bishop or branch president as soon as possible to coordinate items such as service times, who will conduct the service, the dressing of the deceased, and any other items that may need to be addressed.

If the deceased had participated in holy temple rites, (referred to by the church as “the Endowment”), the bishop will send a dressing committee

to dress the deceased: elders (males) for men, and the Relief Society (females) for women, in special temple clothing prior to casketing the body. If the individual has not been through the Mormon temple, regular clothing will be used, and the funeral home may be asked to dress the deceased. If the deceased is dressed in temple clothing, a family member or another member of the church will place a cap on the men or a veil over the face of women just prior to closing the casket.

A typical service follows the format of:

- Prelude music.
- Opening hymn.
- Invocation.
- A brief eulogy.
- Hymn.
- Speaker(s).
- Benediction.
- Postlude music.

At the graveside, there is a brief priesthood “Dedication of the Grave” prayer.

A gathering of friends and family is frequently held at the ward/chapel building afterwards.

Endnotes

1. www.adherents.com
2. LaVone V. Hazell, Cross-Cultural Funeral Rites, The Director, Issue 69 (10), pages 53-55, Oct. 1997
3. Mitford 1963
4. Ellis L. Marsalis Jr “Rejoice When You Die: The New Orleans Jazz Funerals” (Louisiana State University Press, 1998).
5. adherents.com estimate ²⁰01
6. www.diversityinhealth.com/issues/religion/bahai.htm [Cultural Diversity in Health: Bahai Faith]
7. Crawford, A. 1961 Customs and Culture in Vietnam, Tokyo, Japan: Charles E. Tuttle
8. www.religioustolerance.org/chr_deno.htm
9. http://www.oca.org/
10. Farah Gilanshah, Islamic Customs Regarding Death, Ethnic Variations in Dying, Death, and Grief,
11. http://islam-usa.com/e40.html
12. http://islam – usa.com/e40.html
13. Burial and Funeral customs from Islamic Society of North America, Guide to Muslimfunerals. http://www.isna.net/ThanatologyCenter/default.asp?pg=2http://www.isna.net/ThanatologyCenter/default.asp?pg=3
14. adherents.com
15. http://www.jdccc.org/sepoct97/doc1.htm Jewish Funeral Customs by Sharon Ann Soudakoff
16. The Book of Life, published by the Rabbinical Assembly.
17. Congregation Shaarey Zedek has prepared this booklet as a guide Congregation Shaarey Zedek for their suggestions and comments. The publication of this Guide was made possible by a grant from the Chevra Kadisha of the Congregation
18. Barbara Younoszai, Mexican American Perspectives Related to Death, Ethnic Variations in Dying, Death, and Grief.
19. http://www.ncfda.org/nss-folder/forms/Mexican percent20Forms/Mexican-American Funerals.pdf”

RELIGION AND THE FUNERAL DIRECTOR

Final Examination Questions

Select the best answer for each question and mark your answers on the Final Examination Answer Sheet found on page 112, or for faster service complete your test online at **Funeral.EliteCME.com**.

61. Baha’i is a belief with roots in the Jewish faith, but exists today as an independent religion.
 - ☐ True
 - ☐ False
62. There are no clergy or religious authority figures in the Baha’i religion.
 - ☐ True
 - ☐ False
63. Mindfulness (sati), a state of uncritical reflection or nonjudgmental observation, plays a critical role in Buddhist funeral practices.
 - ☐ True
 - ☐ False
64. The Tibetan Book of the Dead describes an elaborate funeral rite, including instructions to the corpse, guiding him/her to a new form, through the transition from death to rebirth.
 - ☐ True
 - ☐ False
65. It is not required for Muslims to wash the body.
 - ☐ True
 - ☐ False
66. Mexican-Americans very rarely insist on seeing the deceased.
 - ☐ True
 - ☐ False
67. Condolence calls, (nichum avaylim) visits to comfort the mourning family members, are not appropriate during the seven days of shivah, except on Shabbat.
 - ☐ True
 - ☐ False
68. Members of a Masonic order are required to have a Masonic funeral.
 - ☐ True
 - ☐ False
69. In Jewish funerals, it is generally considered inappropriate for any guests to visit the grave of the deceased until 30 days after the funeral.
 - ☐ True
 - ☐ False
70. Traditional African-American funerals are less common in the rural South.
 - ☐ True
 - ☐ False

2016 Continuing Education for Texas Funeral Professionals

All 16 Hrs ONLY
\$49

What if I Still Have Questions?

No problem, we have several options for you to choose from! Online – at **Funeral.EliteCME.com** you will see our robust FAQ section that answers many of your questions, simply click FAQ in the upper right hand corner or Email us at office@elitecme.com or call us toll free at 1-888-857-6920, Monday - Friday 9:00 am - 6:00 pm EST.



Customer Information

Three Easy Steps to Completing Your License Renewal

Step 1: Complete your Elite continuing education courses:

- ✓ Read the course materials and complete the tests.
- ✓ Complete the course evaluation.
- ✓ Submit your final examination answer sheet along with your payment to Elite online or by mail.

Step 2: Receive your certificate of completion.

- ✓ If submitting your course online you will be able to print your certificate immediately.
- ✓ If submitting your course by mail a certificate will be e-mailed to you.

Step 3: Once you have received your certificate of completion you can renew your license online at <http://tfsc.texas.gov/indvrenewals.php>, or mail in your renewal. You should receive your renewal notice within 90 days of the expiration date. In order to avoid late fees, your CE and license renewal must be completed by the last day of your birth month.

Board Contact Information:

Texas Funeral Service Commission
333 Guadalupe
Tower 2, Suite 2-110
Austin, Texas 78701

Phone: (888) 667-4881 | Fax: (512) 479-5064
Website: www.tfsc.state.tx.us/

Grading Policy

When completing all 70 questions:

If you miss 20 questions or more, you will need to retake the exam.

When completing 10 questions:

If you miss 3 questions or more, you will need to retake the exam.

Course Evaluation

We value your opinion!

Please take a minute to complete the course evaluation so that we can better serve you in the future. Any comments would be greatly appreciated.

Fill in the circles below the numbers
0 being the worst, and 10 being the best

How likely is it that you would recommend Elite0 1 2 3 4 5 6 7 8 9 10
○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

The course material was presented in a clear, concise
and well-organized format0 1 2 3 4 5 6 7 8 9 10
○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

I would rate this course.....0 1 2 3 4 5 6 7 8 9 10
○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

The content of this course met my expectations0 1 2 3 4 5 6 7 8 9 10
○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

The material presented met the course's stated objectives Yes No

I found this course affordable Yes No

Please list any recommendations that you may have for this course _____

Please list any course subjects you would like to see in the future _____

Comments _____

☐ I agree to allow Elite Continuing Education to use my above comments.

Did you remember:

- 1) To clearly print your name and address on the answer sheet?
- 2) To fill out your license number on the answer sheet?
- 3) To include your payment or credit card information?
- 4) A \$25.00 fee will be added for all checks that are returned for insufficient funds.

Thank you for choosing Elite for your continuing education!



Elite
Continuing Education

P.O. Box 37
Ormond Beach, FL 32175-0037
Fax: 1-386-673-3563