

**RULES
OF
TENNESSEE BOARD OF FUNERAL
DIRECTORS AND EMBALMERS**

**CHAPTER 0660-01
GENERAL PROVISIONS**

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0660-01-.01 DEFINITIONS. The following definitions apply to all rules promulgated by the Board of Funeral Directors and Embalmers.

- (1) "Apprentice" means a person registered as an apprentice pursuant to T.C.A. § 62-5-312.
- (2) "Board" means the State Board of Funeral Directors and Embalmers.
- (3) "Burial association" means a voluntary association, charitable and benevolent in nature, which provides death benefits to members by means of an assessment of all of the members.
- (4) "Cash advance item" means 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) "Change in ownership" means a transfer in ownership from one person to another including, but not limited to, the following situations:
 - (a) A sole proprietor becomes a member of a partnership or corporation or LLC;
 - (b) A partnership dissolves;
 - (c) One partnership is replaced by another through the removal, addition or substitution of a partner; or
 - (d) Two (2) or more corporations merge and the originally-licensed corporation does not survive.
- (6) "Day" means calendar day.
- (7) "Director" means the Executive Director of the Board.
- (8) "Funeral Rule" means the provisions of Title 16, Code of Federal Regulations, Part 453 with respect to funeral industry practices.
- (9) "Licensee" means a funeral director, embalmer or establishment holding a license issued by the Board.
- (10) "Licensing period" means the period of time that a license issued by the Board is in effect.

(Rule 0660-01-.01, continued)

- (11) "Received" means actual receipt by the Board or Department of Commerce and Insurance.
- (12) "Reinspection" means any inspection of an establishment other than an inspection required by Rule 0660-06-.04.
- (13) "Sponsor" means any person, organization, association, company, institution, or other entity who wishes to develop and present a continuing education program.

Authority: T.C.A. §§62-5-203. **Administrative History:** Original rule certified May 24, 1974. Repeal and new rule filed June 15, 1980; effective September 29, 1980. Amendment filed August 26, 1986; effective November 29, 1986. Amendment filed December 7, 2009; effective March 7, 2010.

0660-01-.02 PAPER SIZE.

- (1) All documents submitted to the Board shall be on 8.5 x 11 inch paper.
- (2) All documents required to be submitted to field representatives pursuant to any inspection shall be on 8.5 x 11 inch paper.
- (3) The requirements of this rule may be waived by the Director.

Authority: T.C.A. §62-5-203 and 62-5-205. **Administrative History:** Original rule certified May 24, 1974. Repeal and new rule filed June 15, 1980; effective September 29, 1980. Amendment filed August 29, 1986; effective November 29, 1986. Amendment filed August 30, 1991; effective October 14, 1991. Amendment filed December 7, 2009; effective March 7, 2010.

0660-01-.03 CHANGES.

- (1) In addition to any other requirement of the Board's rules or any statute pertaining to the profession of funeral directing or embalming, the following shall be reported in writing to the Board by the licensee within ten (10) days of the effective date of the change:
 - (a) change in ownership of a funeral establishment;
 - (b) change of location of a funeral establishment;
 - (c) change in the identity of the licensed funeral director managing, supervising and responsible for a funeral establishment;
 - (d) change in mailing address of any funeral director, embalmer or apprentice;
 - (e) change in the identity of the individual sponsoring an apprentice;
 - (f) change in the licensed funeral establishment employing an apprentice;
 - (g) change in any other information required to be submitted on an application or registration form; and
 - (h) a conviction of a misdemeanor involving fraud, dishonesty or moral turpitude or a conviction of any felony.
- (2) A licensee shall not permit any advertisement, price list, brochure, business card, signage, internet web site, or other written medium that is likely to be viewed by the public, to refer to the funeral establishment by any name other than the exact name listed on the establishment application approved by the Board.

(Rule 0660-01-.03, continued)

Authority: T.C.A. §62-5-203, 62-5-312, 62-5-315(c) and 62-5-317. **Administrative History:** Original rule filed December 7, 2009; effective March 7, 2010.

0660-01-.04 COMPLIANCE WITH STATUTES AND RULES.

- (1) Each licensee shall ensure that such licensee acts in compliance with these rules and any statutes pertaining to the profession of funeral directing, embalming or operation of a funeral establishment.
- (2) Failure of the Board to take disciplinary action with respect to any condition, document, event or circumstance shall not be construed as a waiver by the Board of any statute or rule nor shall the fact that a complaint has not previously been opened be considered a determination of compliance by the Board.
- (3) The text of all statutes and rules of the state of Tennessee may be accessed via the internet. The current URL (web address) is <http://www.tennesseeanytime.org/laws/>.
- (4) The Board may post relevant information, including changes or proposed changes to rules via the internet. The current URL is <http://tennessee.gov/commerce/boards/funeral/>.
- (5) The text of the Federal Trade Commission Funeral Rule may be accessed via the internet. The current URL is <http://www.ftc.gov/bcp/edu/pubs/business/adv/bus05.pdf>
- (6) This rule shall not be construed as affecting the procedure for petition of a declaratory order which shall be according to the provisions of T.C.A. § 4-5-223 and Chapter 1360-04-01 of the Rules of the Tennessee Department of State.

Authority: T.C.A. §§ 4-5-223, 56-1-308, 62-5-203 and 62-5-317. **Administrative History:** Original rule filed December 7, 2009; effective March 7, 2010.