

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

**CHAPTER 0660-11
STANDARDS OF SERVICE AND PRACTICE**

TABLE OF CONTENTS

0660-11-.01	Purpose	0660-11-.05	Professional Conduct
0660-11-.02	Preparation Rooms	0660-11-.06	Unfair or Deceptive Acts or Practices
0660-11-.03	Use of Outside Services	0660-11-.07	Records
0660-11-.04	Public Areas	0660-11-.08	Burial Associations

0660-11-.01 PURPOSE.

These standards of service and practice shall be the minimum standards to be followed by persons engaging in the profession of funeral directing, embalming or operation of a funeral establishment.

Authority: T.C.A. § 62-5-203. **Administrative History:** New rule filed December 7, 2009; effective March 10, 2010.

0660-11-.02 PREPARATION ROOMS.

- (1) Each preparation room shall be equipped with a permanently installed ventilation fan of appropriate size and in good working order.
- (2) An establishment shall take reasonable steps to ensure that the preparation room is secured to prevent unauthorized entry.
- (3) Preparation rooms shall have no windows that would permit persons outside to see into the preparation room.
- (4) All surfaces, instruments, tables, fixtures and equipment shall be cleaned and sanitized and all waste and soiled clothing properly disposed of as soon as practicable after preparation of a body.
- (5) The preparation room shall be maintained in an orderly manner, free from clutter.
- (6) Each preparation room shall be dedicated exclusively to the preparation of either dead human bodies or dead non-human bodies and signage shall be posted on or immediately adjacent to the entry door of the respective preparation room indicating the designated purpose.
- (7) At no time shall any refrigerator, container, tool, or implement be used to prepare, hold or store both dead human bodies and dead non-human bodies. Each refrigerator, container, tool, or implement shall be utilized exclusively for either dead human bodies or dead non-human bodies.
- (8) All refrigerators and containers shall be labeled to designate usage for the preparation or storage of either dead human bodies or dead non-human bodies if the establishment offers services for dead non-human bodies.

Authority: T.C.A. §§ 62-5-203, 62-5-313, 62-5-313(b)(2), and 62-5-317. **Administrative History:** New rule filed December 7, 2009; effective March 7, 2010. Amendments filed December 12, 2018; effective March 12, 2019.

0660-11-.03 USE OF OUTSIDE SERVICES.

No funeral director, embalmer or establishment shall utilize the services of an independent contractor, trade embalmer, or any other outside provider if the funeral director, embalmer or establishment knows, or reasonably should know, that such independent contractor, trade embalmer, or other outside provider is in violation of any statute or rule pertaining to the Board.

Authority: T.C.A. §§ 62-5-203 and 62-5-317. **Administrative History:** New rule filed December 7, 2009; effective March 7, 2010.

0660-11-.04 PUBLIC AREAS.

- (1) Each establishment shall have public restroom accommodations which shall be maintained in good working order, clean and stocked with toilet tissue, towels and hand soap.
- (2) All public areas shall be kept in a good state of repair.
- (3) All sidewalks, entrances and walkways shall be free from debris, ice or other obstacles to the extent practicable.

Authority: T.C.A. §§ 62-5-203 and 62-5-317. **Administrative History:** New rule filed December 7, 2009; effective March 7, 2010.

0660-11-.05 PROFESSIONAL CONDUCT.

- (1) All persons engaged in the profession of funeral directing, embalming or operation of a funeral establishment shall at all times act in a professional manner including, but not limited to, the following:
 - (a) Members of the public shall be treated in a reasonable manner. Unreasonable treatment is conduct that falls below the standard of professional conduct including, but not limited to:
 1. Abusive, aggressive, hostile, or disrespectful conduct; or
 2. Being unresponsive to a member of the public for an unreasonable period of time without justification, such as: not returning phone calls, not answering inquiries, or leaving a member of the public unattended.
 - (b) Establishments shall honor financial obligations to suppliers, distributors, or other persons with whom they conduct business in a timely manner.
 - (c) If a particular funeral establishment has custody of a decedent's remains, but is not selected by a person(s) with a vested right under T.C.A. § 62-5-703 to control the disposition of the remains, the funeral establishment must release the remains to the establishment that is properly selected, regardless of whether the costs of any merchandise or services provided by the initial funeral establishment are paid at the time of release. Such costs shall remain payable by the selected funeral establishment; failure to pay upon lawful demand may result in disciplinary action imposed by the Board. Nothing herein shall be construed to affect the civil liability of the responsible party or other persons under relevant law.
 - (d) Any person who has been assessed a fee pursuant to statute or rules of the Board, and which fee is currently due, shall submit payment within the time provided by written notice.

(Rule 0660-11-.05, continued)

- (e) Any licensee, upon receiving any notice from the Board requesting a response, including but not limited to, notice that a complaint has been opened against the licensee, shall respond within the time specified in the notice. Provided, the director may grant a request for extension submitted within the period of time stated in the original notice.
- (f) A funeral director, embalmer, or establishment shall not unreasonably delay the filing of a certificate of death.
- (g) An embalmer shall make every reasonable effort to return viscera to the body cavity for final disposition. In the event the embalmer is unable to return the viscera to the body cavity, the viscera shall be placed in a non-porous container, labeled as such, and disposed of in an identical manner to the remains.
- (h) Licensees shall obey any lawful order entered by the Board.
- (i) A licensee or registrant shall not engage in any conduct that may mislead or deceive the public as to the physical location of any funeral establishment.
- (j) Funeral directors, embalmers, and establishments shall conduct themselves in a way that does not offend the reasonable sensibilities of the public and reflects respect for dead human bodies.

Authority: T.C.A. §§ 62-5-203, 62-5-313, and 62-5-317. **Administrative History:** New rule filed December 7, 2009; effective March 7, 2010. Amendment filed June 2, 2014; effective August 31, 2014. Amendments filed December 12, 2018; effective March 12, 2019. Amendments expired pursuant to Chapter 429, § 1 of the 2019 Public Acts, effective May 21, 2019, and the rule reverted to its previous status. Amendments filed November 4, 2022; effective February 2, 2023.

0660-11-.06 MISLEADING, DECEPTIVE OR UNFAIR ACTS OR PRACTICES.

- (1) No funeral director, embalmer or establishment shall:
 - (a) Engage in any unfair or deceptive acts or practices defined in the Funeral Rule;
 - (b) Fail to comply with any preventive requirements specified in the Funeral Rule; or
 - (c) Engage in any other act, omission or practice that is misleading or deceptive.
- (2) The amount charged for any cash advance item shall not exceed the amount paid for such item by the funeral establishment; except, however, that the establishment shall not be required to pass on to the customer any discount which is openly and regularly made available to the establishment, if such establishment discloses to the customer the fact that it does or may receive such discount.

Authority: T.C.A. §§ 62-5-203 and 62-5-317. **Administrative History:** New rule filed December 7, 2009; effective March 7, 2010.

0660-11-.07 RECORDS.

- (1) All records subject to inspection by Federal Trade Commission officials as provided in the Funeral Rule shall be made available to the Board (or its authorized representatives) under the same terms.
- (2) A licensee shall submit, upon request of the Board or the Board's designee, any records kept by the licensee in the normal course of business.

(Rule 0660-11-.07, continued)

- (3) Each establishment shall provide written notification to the Board on a form designated by the Board no less than thirty (30) days prior to the preparation of non-human remains at the establishment. An establishment shall obtain a reinspection prior to offering such services to ensure compliance with the applicable laws, rules, and regulations. Each establishment shall promptly provide written notification to the Board if it ceases to offer such services.
- (4) Each establishment shall ensure that its price lists and any other documents required by the FTC Funeral Rule or T.C.A. Title 62, Chapter 5 and the accompanying rules and regulations do not include any services or merchandise for non-human remains.
- (5) Each establishment shall ensure that any trust accounts required by the FTC Funeral Rule or T.C.A. Title 62, Chapter 5 and the accompanying rules and regulations do not include any funds derived from services or merchandise provided for non-human remains.

Authority: T.C.A. §§ 62-5-203 and 62-5-313. **Administrative History:** New rule filed December 7, 2009; effective March 7, 2010. Amendments filed December 12, 2018; effective March 12, 2019.

0660-11-.08 BURIAL ASSOCIATIONS.

- (1) If any person or entity subject to the supervision of the Board directly or indirectly engages in the establishment, management, operation or control of a burial association (a) for personal profit or benefit, or (b) in any manner which is contrary to the applicable state statutes or rules, such person or entity shall be deemed by the Board to be guilty of unprofessional conduct; provided however, that necessary and incidental expenses of operating the burial association may be included in the death benefit assessment without being considered profit to the association.
- (2) If any person or entity subject to the supervision of the Board issues certificates for membership in a burial association directly or indirectly in violation of applicable state statutes or rules, it will be presumed that the association is being operated for personal profit of the person or entity, and the Board will cause an investigation to be made to determine whether there is subterfuge resulting in unprofessional conduct of such gravity as to warrant revocation or suspension of the license.

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