

*Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services
Rules Sub-Committee Meeting Minutes*

Tuesday, January 18, 2022

1 Commerce Way
Diamond Mine Room– 2nd Floor
Little Rock, AR
2:36 – 4:24 PM

Chairman Billy Curl, Professional Member called the meeting to order. Member(s) present: Steve Whitwell, Professional Member, and Bill Booker, Professional Member.

Staff present: Robert Akers, Director, Funeral Services Division, Josh Taylor, Inspector/Investigator, Amy Goode, Executive Secretary, and Amanda Gibson, Arkansas Insurance Department, Associate Counsel.

1. **Call to Order** – Introduction of Board members and staff.
2. **Old Business**
 - a) **Rule 1 – Section 4. Licensee in Charge of Funeral Directing, Embalming, and Cremating**

Have had concerns with the meaning or intent in some of the new rules. In this section the following language: Every funeral conducted within the State of Arkansas must be under the personal supervision, direction, and charge of a **Type A** funeral establishment and a licensed Arkansas funeral director. Mr. Curl stated he believe the intent of the rule was to prevent the jumping of funeral directors from across state lines and not really working for any funeral home.

Executive Secretary stated the main concern was that the previous board did not want a licensed funeral director making arrangements and handling dispositions without an establishment involved. Mr. Curl stated that if they are working for a licensed funeral home then the intent of the rule is covered.

- b) **Rule 1 – Section 6. Funeral Establishments and First Call Log.**
 - a. **Funeral homes using mortuary services, do they need the embalmers signature on their log.**

- First Call Log – Also known as Chain of Custody, Tracking Spreadsheet, Sign-in sheet, Body Tracking form, and Human Tracking form. It’s essentially a custodial chain of events in a chronological log. A receipt log of decedents in and out of the funeral establishment.
- If a Type A establishment is using a mortuary service, then they log or track the information that is appropriate for their funeral establishment.

b. Can the embalming case report be amended to include the necessary information of the first call log? If so, would making a copy of the case report and keeping in a separate binder be sufficient for the requirement of the first call log, without having to keep up with two different items?

- It does need to be separate log.
- It's a tracking log and/or chain of custody.
- If the body is embalmed, that is noted, but there is also an embalming case report.
- We can't tell them to put in a three-ring binder, we can't tell them or micromanage them to tell them exactly what they need to do.
- They just need to have this information readily accessible, so if the inspector asks for it, they can just walk to it.
- If they need to make a copy of something that they are already doing, that contains all this information and keep it in a binder or folder and call it their first call log, then that is sufficient. However, if that body is not embalmed there will not be an embalmer case report.
- It needs to be kept chronological.
- There is a form for every situation on NFDA website.

c. Does the Board plan to develop the first call log and embalming case reports?

- No, the board does not intend to develop a first call log or embalming case report. First Call Log – Also known as Chain of Custody, Tracking Spreadsheet, Sign-in sheet, Body Tracking form, and Human Tracking form, does not have to be in a specific format, just contain the information as required by the rule. Embalming case reports with the necessary information are available online for establishments to download and use.

d. Section 6. D. Page 20. #13 Will a licensed Funeral Director be required to be present for each final disposition or just required to oversee the day-to-day operations?

- There has been concern about this rule change. The intent of this rule was for any licensed Type C after the effective date of the rule, which is January 1, 2022. Any Type C licensed prior to this date, will be grandfathered in and this will apply to establishments licensed after January 1, 2022.
- Crematory Retort Operator License. Clarification on #7 of the rules pertaining to the license. That would apply upon the initial license and install of retort. Any licensee applying for a license to operate a retort after the initial license of the crematory establishment would receive training from another licensed retort operator and the certification from an approved certification program provider.

c) Burial Association rule discussion.

There was discussion to eliminate the June Semi-annual report and to stop selling burial associations policies all together. That would take a law change in the 2023 legislative session.

3. Rule Committee Meeting Date(s)

a) Monday, March 14, 2022 – 1 PM

4. Adjournment

Rules sub-committee adjourned at 4:24 PM.