

## CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **FUNERAL ESTABLISHMENTS**. It is not a complete list of all violations for which the Cemetery and Funeral Bureau (Bureau) can take disciplinary action. The Bureau may issue a warning letter, an administrative citation or citation with fine, or may issue an administrative accusation for violations of the law.

The code sections below are contained in the California Code of Regulations (CCR) Sections 1200 – 1277.5 and the Business and Professions Code (BPC) Sections 119 and 7600 – 7746. The full context of the laws and regulations may be found at the Bureau's website: [www.cfb.ca.gov](http://www.cfb.ca.gov).

### **OWNERSHIP, MANAGER, AND STAFF:**

CCR 1204(a)	Failure to designate a licensed funeral director as manager
CCR 1204(c)	Failure of a funeral establishment to obtain Bureau approval to share a managing funeral director
CCR 1213(a)	Failure to notify the Bureau of a change in the corporate officers or designated manager
CCR 1213(b)	Failure to notify the Bureau of a transfer of more than fifty percent (50%) of the equitable interest in ownership
BPC 7680	Failure to conspicuously display a license in the place of business or employment of the licensee (FD, FDR, EMB)
BPC 7615(c)	An unlicensed person using funeral director, undertaker, mortician or any other title implying that he/she is a funeral director
BPC 7635(a)	Using persons to make funeral arrangements who have not received the required documented training
BPC 7635(a)	Failure to have the written outline of the training program for persons who consult with families/make funeral arrangements
BPC 7641	Unlicensed practice as an embalmer

### **FACILITIES AND EQUIPMENT:**

CCR 1209	Failure to maintain all hearses/first-call/pickup cars, under the control and operation of the funeral establishment, and the equipment therein, in a sanitary manner and free from noxious or deleterious odors
CCR 1216(d)	Failure to maintain all public areas of a funeral establishment in a clean and orderly condition
CCR 1223(a)	Maintaining an embalming, preparation, or storage room in a public storage complex or similar facility
CCR 1223(b)	Failure to maintain a sufficient supply of an effective disinfectant in the embalming, preparation and/or storage room(s)
CCR 1223(c)	Failure to have cold storage facilities for unembalmed remains
CCR 1223(c)	Failure to refrigerate unembalmed human remains after 24 hours
CCR 1223(d)	Storing items in embalming/preparation/storage room(s) besides only those necessary for the care, preparation, disposition, or transportation of human remains
CCR 1223(e)	Maintaining an unsuitable storage room for human remains prior to disposition
CCR 1223.1	Failure to designate a separate labeled area within the storage room and/or have sufficient capacity for each establishment using its facilities
CCR 1223.1(e)	Failure to have an identification and labeling system to effectively identify human remains being prepared/stored in a shared facility
CCR 1223.1(g)	Failure to obtain approval from the Bureau to share a preparation and/or storage room
BPC 7616(a)	Failure to have a preparation room when embalming services are offered
BPC 7616(a)(2)	Failure to have sanitary flooring and/or necessary drainage and ventilation and/or adequate supplies in the preparation room
BPC 7628	Failure to apply and obtain approval before changing the location of a licensed funeral establishment
HSC 7054.6(b)	Failure to obtain a disposition permit for each placement of cremated remains into keepsake urn

### **EMBALMING ROOM SANITATION, SUPPLIES, AND PRACTICES:**

CCR 1215	Failure of a person embalming human remains to wear the required smock or gown and impervious gloves
CCR 1215	Failure to cover a body being embalmed as to insure the privacy of the body
CCR 1216(a)	Failure to maintain all preparation, embalming, storage room(s), and refrigeration facilities in a clean and sanitary condition
CCR 1216(b)	Failure to have and/or maintain proper and convenient receptacles for waste materials and supplies
CCR 1216(b)	Failure to dispose of waste materials according to State/local health requirements or in a manner that endangers public health and safety
CCR 1216(c)	Failure to maintain instruments/equipment used for embalming or other preparation/handling of human remains in a clean/disinfected manner
CCR 1221(a)	Failure to keep strictly private, the care and preparation for burial or other disposition of all human remains
CCR 1221(b)	Failure to keep all human remains coming into or out of a funeral establishment/storage facility covered and out of public view
CCR 1255/1256	Failure to post the required Section 1221 placard on all doors leading directly into the preparation, embalming, storage room(s), and refrigeration facilities
BPC 7707	Unprofessional conduct by failing to keep refrigerated human remains properly covered

### **LICENSES:**

BPC 119(f)	Displaying a photocopy of a license
CCR 1203	Failure of a licensee or registrant to file their proper and current mailing address with the Bureau
BPC 7616	Maintaining/operating a funeral establishment which has not been approved and licensed by the Bureau
BPC 7629	Failure of a funeral director to apply for a name change on his/her license
BPC 7670(a)	Failure to obtain approval to train apprentice embalmers
BPC 7670(b)(3)	Failure to obtain approval to allow a registered apprentice to serve in multiple locations

**LICENSES (continued):**

- BPC 7670(c) Failure to renew the approval to train apprentice embalmers
- CCR 1246 Unlicensed practice as an embalmer
- BPC 7680 Certificate of registration as Apprentice Embalmer not displayed

**ITEMIZATION AND DISCLOSURES:**

- CCR 1204(d) Failure of a funeral director to comply with requirements when advertising his or her services
- CCR 1211(a) Failure to use the establishment's exact name, license number and city or community where located, in all advertisements
- CCR 1214 Failure to have the correct form for the authorization to accept or decline embalming
- CCR 1258(a) Failure to have the casket disclaimer at the beginning of the casket price list
- CCR 1258(a) Failure to have the casket disclaimer on the casket price list printed in eight-point boldface type or larger
- CCR 1258.1(b) Failure to have a casket price list that is sufficiently descriptive to provide an accurate impression of the casket, including its color
- CCR 1258.1(c)(1) Failure to have the price ranges for all caskets and alternative containers regularly offered for sale on the general price list
- CCR 1258.1(c)(1) Failure to have the price ranges on the general price list match the actual prices of caskets offered for sale
- CCR 1258.2(f) Failure to include the rental casket on the casket price list when one is offered for use
- CCR 1258.4 Failure to have a general price list with a statement on the first page, separate and apart from any other information, stating that the survivor/responsible party of the deceased is entitled to a copy of any paid preneed agreement in possession of the funeral establishment
- BPC 7685(a)(1) Failure to have a general price list
- BPC 7685(a)(1) Failure to have a general price list that contains the minimum required information for professional services
- BPC 7685(a)(3) Failure to have a casket price list
- BPC 7685(a)(3) Failure to include all caskets regularly offered for sale on the casket price list
- BPC 7685(a)(3) Failure to have the required description of caskets (price, thickness of metal or type of wood or other construction, interior and color) on the casket price list
- BPC 7685(b)(2) Failure to include a link on the funeral establishment's website homepage to the list of goods and services offered and/or failure to include a statement that the general price list is available upon request; link must include the word(s) "goods", "merchandise", "products", or "services" **OR**
- BPC 7685(b)(3) Failure to include a link on the funeral establishment's website homepage to the general price list; link must include the word(s) "price information" or a similar phrase that includes the word "price"
- BPC 7685.2(a) Failure to have a service contract that contains itemized charges for professional services; body preparation; automotive and other equipment; casket; outside receptacle; clothing; cash advances; any other charges; and a total amount
- BPC 7685.2(b) Failure to have the correct declaration for disposition of cremated remains form
- BPC 7685.2(c) Failure to have a cremation contract with the notice about removing cremated remains in a durable container, and if the container cannot hold all the cremated remains, another container will be provided at no additional cost
- BPC 7685.3 Failure to have the Bureau contact information on the first page of any contract for goods and services
- BPC 7685.3 Failure to have the Bureau contact information on the first page of any contract for goods and services in eight-point boldface type
- BPC 7685.5(b) Failure to make available to consumers a copy of the Consumer Guide for Funeral and Cemetery Purchases
- BPC 7685.5(c) Failure to provide consumer with a copy of the Bureau's Consumer Guide prior to drafting a contract

**CASKETS, CASKET SALES ROOM(S), AND CASKET SALES CATALOG(S):**

- CCR 1258(b) Failure to include on the casket price list all caskets having or represented as having a gasket of any kind
- CCR 1258.1(d) Failure to have all caskets, representations of caskets, and alternative containers regularly offered for sale physically or photographically displayed
- CCR 1258.2(f) Failure to display physically or photographically a rental casket when one is offered for use
- BPC 7685.1(a) Failure to have a casket price card/tag(s) on each casket
- BPC 7685.1(a) Failure to include the type of construction and/or color and/or interior information on the casket price card/tag
- BPC 7685.1(b) Failure to accept a casket supplied by the survivor or responsible party without charging a handling fee

**FILE REVIEW:**

- CCR 1214 Failure to obtain an executed authorization to accept or decline embalming for all cases
- CCR 1258.2(f) Failure to include the rental casket on the contract for goods and services when a rental casket is used
- CCR 1277.5 Failure to obtain an executed preneed funeral agreement form for all cases
- BPC 7685.2(a) Providing goods or services without an executed contract
- BPC 7685.2(b) Failure to obtain the signed and dated declaration designating specific instructions for the disposition of cremated remains

**SUPERVISION**

- CCR 1204(b) Failure of designated manager of record to ensure compliance with the Funeral Directors and Embalmers Law

The Bureau issues administrative citations and fines under CCR Section 1240. BPC Section 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR and BPC. Citations may include orders of abatement with additional terms and conditions of compliance. More than one violation may be contained in each section of law, and a citation can include a fine assessment for each violation. Administrative fines range from \$100 to \$5,000 and can be assessed for each inspection or investigation.