



Notice of Intent to Adopt Rules

Revised October 2014

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):
_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).
_____ (Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

	If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):
 The proposed rules meet, but do not exceed, minimum federal requirements.
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.

Wyoming State Board of Funeral Service Practitioners

Emerson Building, RM 104 ♦ 2001 Capitol Avenue ♦ Cheyenne, WY 82002

(307) 777-5403 ♦ Fax: (307) 777-3508

<http://fspboard.wyo.gov>

STATEMENT OF REASONS

In accordance with W.S. 33-16-509(a)(iv), the Wyoming Board of Funeral Service Practitioners (Board) is proposing revisions to the following chapters:

- CHAPTER 1: The Board has developed a new Google site which required renaming the URL leading to the site. This URL provides direction to the public and funeral service professionals when seeking the National Funeral Directors Association Code of Professional Conduct.
- CHAPTER 5: In accordance with W.S. 33-16-516(g), which states in part, “The board shall by rule and regulation provide for emergencies if a director dies or becomes incapacitated,” the Board proposes revisions to this chapter to provide rules requiring establishment of surrogate funeral service practitioners by solo funeral service practitioners in the event of emergency or death of the solo funeral service practitioner.



CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Funeral Service Practitioners pursuant to their authority under the Funeral Service Practitioners Act, W.S. 33-16-501 through 33-16-537.

Section 2. Terms Defined Herein.

- (a) “Authorizing agent” means the individual(s) holding the right of disposition.
- (b) “Dissolution chamber” is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the chemical disposition process takes place.
- (c) “Final processing” means bone fragments and non-combustible items, such as metal debris, are separated by hand or by magnet. The bone fragments are placed into a cylindrical processor and further pulverized (or crushed) into small, uniform fragments.
- (d) “Supervision” means that the licensed funeral service practitioner is in the embalming room generally, and in all cases in the funeral establishment, while the apprentice is assisting with the preparation of the dead human body.

Section 3. Board. The Board shall elect one (1) of its members as president during the annual meeting to be held at the Board office, 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming, on the second Tuesday in June beginning at 10:00 a.m. The Board may meet at other times as deemed necessary to transact business.

Section 4. Incorporation by Reference.

- (a) For any code, standard, rule, regulation, or statute incorporated by reference in these rules:
 - (i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;
 - (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;
 - (iii) The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, WY 82002 and is available for public inspection and copying at cost at the same location;
- (b) Each code, standard, rule, regulation or statute incorporated by reference in these Board Rules is further identified as follows:

(i) The code incorporated by reference in Chapter 10, Section 2 of these Board Rules is the National Funeral Directors Association (NFDA) Code of Professional Conduct as existing on April 21, 2015. Copies of this code can be obtained from the NFDA at the following location <http://fspboard.wyo.gov>.

CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Funeral Service Practitioners pursuant to their authority under the Funeral Service Practitioners Act, W.S. 33-16-501 through 33-16-537.

Section 2. Terms Defined Herein.

- (a) “Authorizing agent” means the individual(s) holding the right of disposition.
- (b) “Dissolution chamber” is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the chemical disposition process takes place.
- (c) “Final processing” means bone fragments and non-combustible items, such as metal debris, are separated by hand or by magnet. The bone fragments are placed into a cylindrical processor and further pulverized (or crushed) into small, uniform fragments.
- (d) “Supervision” means that the licensed funeral service practitioner is in the embalming room generally, and in all cases in the funeral establishment, while the apprentice is assisting with the preparation of the dead human body.

Section 3. Board. The Board shall elect one (1) of its members as president during the annual meeting to be held at the Board office, 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming, on the second Tuesday in June beginning at 10:00 a.m. The Board may meet at other times as deemed necessary to transact business.

Section 4. Incorporation by Reference.

- (a) For any code, standard, rule, regulation, or statute incorporated by reference in these rules:
 - (i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;
 - (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;
 - (iii) The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, WY 82002 and is available for public inspection and copying at cost at the same location;
- (b) Each code, standard, rule, regulation or statute incorporated by reference in these Board Rules is further identified as follows:

(i) The code incorporated by reference in Chapter 10, Section 2 of these Board Rules is the National Funeral Directors Association (NFDA) Code of Professional Conduct as existing on April 21, 2015. Copies of this code can be obtained from the NFDA at the following location <http://boards.state.wy.us/embalmers/index.asp> pspboard.wyo.gov.

CHAPTER 5

FUNERAL ESTABLISHMENT

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association, or corporation desiring to operate a funeral establishment in the state of Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the funeral establishment.

Section 2. Qualifications for Permit. An applicant for a permit to operate a funeral establishment in Wyoming shall be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a permitted funeral establishment. If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the funeral establishment.

Section 3. Application Procedures. An applicant for a permit to operate a funeral establishment shall submit the following:

- (a) A complete and notarized application that includes:
 - (i) The name of the licensed funeral service practitioner responsible for the funeral establishment;
 - (ii) The location of the funeral establishment; and
 - (iii) Names of all employees of the funeral establishment.
- (b) Application fee; and
- (c) An inspection report completed and signed by the Board or its designee.

Section 4. Emergency Contingency for Solo Practitioner; Establishing a Surrogate.

(a) Solo practitioners shall execute a “Designation of Surrogate Funeral Service Practitioner” form as provided by the Wyoming State Board of Funeral Service Practitioners. Whenever a funeral service practitioner becomes incapacitated or dies, and no other licensed funeral service practitioner is employed by the funeral establishment, the surrogate funeral service practitioner shall immediately become the funeral service practitioner in charge of the funeral establishment.

(b) The establishing of a surrogate funeral service practitioner shall only allow the surrogate to do the everyday duties of funeral service practice necessary for operation of the funeral home.

CHAPTER 5

FUNERAL ESTABLISHMENT

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association, or corporation desiring to operate a funeral establishment in the state of Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the funeral establishment.

Section 2. Qualifications for Permit. An applicant for a permit to operate a funeral establishment in Wyoming shall:

(a) ~~Be~~ be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a permitted funeral establishment;

(i) ~~If~~ If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the funeral establishment;

Section 3. Application Procedures. An applicant for a permit to operate a funeral establishment shall submit the following:

(a) A complete and notarized application that includes:

(i) The name of the licensed funeral service practitioner responsible for the funeral establishment;

(ii) The location of the funeral establishment; and

(iii) Names of all employees of the funeral establishment;

(b) Application fee; and

(c) An inspection report completed and signed by the Board or its designee.

Section 4. Emergency Contingency for Solo Practitioner; Establishing a Surrogate.

(a) Solo practitioners shall execute a “Designation of Surrogate Funeral Service Practitioner” form as provided by the Wyoming State Board of Funeral Service Practitioners. Whenever a funeral service practitioner becomes incapacitated or dies, and no other licensed funeral service practitioner is employed by the funeral establishment, the surrogate funeral service practitioner shall immediately become the funeral service practitioner in charge of the funeral establishment.

(b) The establishing of a surrogate funeral service practitioner shall only allow the surrogate to do the everyday duties of funeral service practice necessary for operation of the funeral home.