

Kansas Administrative Regulations

State Board of Mortuary Arts

Article 5.—Administrative Hearings and Disciplinary Action

63-5-1. Definition of unprofessional or dishonorable conduct.

"Unprofessional or dishonorable conduct" by a licensee shall include any of the following: (a) Misrepresentation or fraud in the conduct of the licensee's business;

(b) refusing or neglecting to promptly obtain, complete, and file any death certificate, out-of-state transportation permit, or coroner's permit to cremate;

(c) refusing or neglecting to file monthly reports of bodies prepared for burial in accordance with K.A.R. 28-17-16;

(d) refusing or neglecting to file quarterly progress reports as specified in K.A.R. 63-1-3 and K.A.R. 63-2-12;

(e) committing abuse or showing disrespect in the handling of a dead human body;

(f) interference with, failure in, breach of, or obstruction of the performance of the contractual duties or services between a licensee and either the next of kin or a legal representative of any deceased person;

(g) requiring the purchase of a casket as a condition to providing funeral services if the dead body is to be cremated;

(h) disclosure of the confidences or secrets of any party served or the use of these confidences or secrets to the disadvantage of any party served;

(i) using alcoholic liquor or using illegally a controlled substance while performing the duties or services of a licensee;

(j) placing any item on a funeral bill that is not a reasonable funeral expense;

(k) failure to pay, in a timely manner, the prefinanced funeral agreement audit fees assessed by the secretary of state; or

(l) gross negligence or repeated instances of ordinary negligence in the rendering of professional services as an embalmer, funeral director, or assistant funeral director.

(Authorized by and implementing K.S.A. 2005 Supp. 65-1751; effective, T-88-43, Oct. 27, 1987; effective May 1, 1988; amended Nov. 13, 1995; amended Jan. 12, 2001; amended Nov. 12, 2004; amended Feb. 16, 2007.)

***** Authenticated Kansas Administrative Regulation *****