

316.150 Nonissuance, nonrenewal, revocation, suspension, and probation of licenses.

- (1) The board may refuse to issue or renew, may revoke, or suspend and impose probationary conditions on the license of any Kentucky-licensed embalmer or Kentucky-licensed funeral director, and may issue a written reprimand and impose a fine, for:
 - (a) Violating any provision of this chapter, any lawful order of the board, or any administrative regulation promulgated by the board pursuant to this chapter;
 - (b) Being convicted of any felony, or any misdemeanor if the misdemeanor relates to the practice of embalming or funeral directing, if in accordance with KRS Chapter 335B. For purposes of this subsection, a conviction includes a finding or verdict of guilt or an entry of a guilty plea or a plea of no contest;
 - (c) Paying or offering to pay, directly or indirectly, any consideration of value to secure a funeral, prior to or after an individual's death, or allowing the applicant's or licensee's employee or immediate family member to pay anything of value to secure a funeral;
 - (d) Soliciting business in any way by offering or giving any service which is not a normal function of a licensed embalmer or a licensed funeral director in a regular service;
 - (e) Permitting any person who is not a Kentucky-licensed embalmer or Kentucky-licensed funeral director to perform any service pertaining to embalming or funeral directing required by law of a licensed embalmer or a licensed funeral director, from the time of death until interment;
 - (f) Misrepresenting or concealing a material fact in obtaining a license or an apprentice registration;
 - (g) Assisting any applicant for an embalmer's or a funeral director's license in obtaining the license by misrepresentation or concealment of a material fact in registering for an apprenticeship, or during the period of serving an apprenticeship, or in taking or passing the examination for an embalmer's or a funeral director's license;
 - (h) Being sanctioned for a violation of any state or federal statute or administrative regulation governing the funeral industry or its practice for which a plan of correction or remedial action was not accepted by the state or federal authority; or
 - (i) Committing any act which constitutes unprofessional, fraudulent, misleading, corrupt, deceptive, or dishonest conduct. If the act constitutes a crime, conviction in a criminal proceeding shall not be a condition precedent to a disciplinary action.
- (2) The board may refuse to issue, may revoke, or suspend and impose probationary conditions on the registration of an apprentice, and may issue a written reprimand and impose a fine, for:
 - (a) Violating any of the provisions set out in paragraphs (a) to (i) of subsection (1) of this section; or

- (b) Disobeying the proper orders or instructions of a superior.
- (3) The board may refuse to issue or renew, may revoke, or suspend and impose probationary conditions on the license of any funeral establishment, and may issue a written reprimand and impose a fine, for:
 - (a) Misrepresenting or concealing a material fact in obtaining a funeral establishment license;
 - (b) Operating a funeral establishment in violation of any lawful order of the board or any state or federal statute or administrative regulation governing the operation of a funeral establishment; or
 - (c) Operating a funeral establishment without the supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 61, effective June 29, 2017. -- Amended 1998 Ky. Acts ch. 90, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 149, sec. 7, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 82, sec. 3, effective July 13, 1984. -- Amended 1960 Ky. Acts ch. 52, sec. 15, effective June 16, 1960. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-11.