COURSE OUTLINE

FSAD 325  Mortuary Compliance

Prepared by: David R. Penepent, MAOM, CFSP
Director of FSAD

SCHOOL OF SCIENCE, HEALTH & CRIMINAL JUSTICE
Funeral Services Administration Program
FSAD 325 Mortuary Compliance

A. **TITLE:** Mortuary Compliance

B. **COURSE NUMBER:** FSAD 325

C. **CREDIT HOURS:** 2

D. **WRITING INTENSIVE COURSE:** no

E. **COURSE LENGTH:** 15 weeks

F. **SEMESTER(S) OFFERED:** Spring only

G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:**
   2 lecture hours per week

H. **CATALOG DESCRIPTION:** This course is taken during the last semester of the Mortuary Science curriculum, which ensures compliance with all Health Department regulations and federal and state laws pertaining to funeral directing in a state where the student intends to practice. These topics are exhaustively clarified and validated through extensive and focused specialized testing including the National Board Examination. Students must take the NBE to pass this course.

I. **PRE-REQUISITES:** FSAD 307, FSAD 401

J. **GOALS (STUDENT LEARNING OUTCOMES):**
   By the completion of this course, the successful student will have:

| 1. Obtained the regulations that pertain to funeral directing in his/her intended state of practice | 1. Communication, 4. Interpersonal relations |
| 2. Collected examples of professional misconduct which have set precedent in the funeral field | 3. Professional Competence |
| 3. Researched the FTC compliance investigations and collected data regarding violations and penalties | 3. Prof. Competence |
| 4. Identified the data requirements, composition and test taking strategies for success on the National Board Examination | 3. Prof. Competence |
| 5. Taken the National Board Exam | 3. Prof. Competence |
K. **TEXTS:**
New York State Health Department Regulations Section 4300

L. **REFERENCES:**
Legal databases
FTC Funeral Rule
OSHA General Duty Standard
OSHA Hazard Communication Standard, Formaldehyde Rule
ICFSEB National Board Exam Study Guide

M. **EQUIPMENT:** none

N. **GRADING METHOD:** A-F

O. **MEASUREMENT CRITERIA/METHODS:**
1. Portfolio of professional misconduct cases which have impacted funeral practices in the United States
2. Spreadsheet of cases and/or regulations that shows the issues and the outcomes as they impinge on funeral practices and protections
3. Portfolio of properly created forms which are commonly used in the funeral home to protect both the consumer and the practitioner
4. Written examinations including the National Board Examination

P. **DETAILED TOPICAL OUTLINE:**
I. NYS Department of Health Regulations
   A. Legislation creates the regulations
      1. following a bill through committee
      2. law in final form
   B. Variance between legislation and regulation
      1. law is often confusing as written
      2. errors in text and content of legislation
      3. comparison between intent and regulation
   C. Interpretation of regulations by DOH staff and practitioners
      1. common practice in the field
      2. modification of practices via continuing education by NYSDOH
      3. Interpretation of similar regulations by boards in other states
   D. Penalties under NYS law
      1. Felony and misdemeanor
      2. Violations
      3. Misconduct
   E. Prefunded arrangements
      1. revocable vs irrevocable
      2. binding contract requirements
      3. specific authorization for final disposition
      4. county laws regarding refunds and insufficient funds
II. Federal Trade Commission Regulations
   A. Applicability to funeral providers of all types
      1. third party suppliers
      2. cremation societies
      3. religious organizations
      4. internet sales
   B. Disclosures
      1. telephone
      2. GPL, CPL, OBCPL
      3. tying arrangements
      4. Merchantability and warranty
      5. triggering events
   C. FTC “sting” operations
      1. investigator types
      2. methods of soliciting funeral homes
      3. penalties assessed by FTC staff
      4. penalties assessed by courts
      5. “retraining” procedures including fines
      6. methods to minimize damages

III. Professional Misconduct
   A. felony
      1. misappropriation of preneed funds
      2. improper disposition of bodies
      3. body stealing
   B. misdemeanor
      1. misrepresentation of legal reasons for performance
         a. embalming
         b. vaults
         c. storage
         d. tying arrangements
      2. unlicensed practice
      3. disturbing a funeral
      4. solicitation by a funeral director for body, organ or tissue donation
      5. falsified documents
   C. Ethics
      1. breach of confidentiality
      2. substitution of merchandise
      3. improper display of least expensive merchandise

IV. National Board Examination
   A. Agencies
      1. American Board of Funeral Service Education
      2. International Conference of Funeral Service Examining Boards
   B. Specific State requirements
1. administration dates
2. administration locations
3. exam format

C. Exam content
   1. major divisions and subtopic areas
   2. degrees of difficulty of exam questions
   3. question styles

Revised 4/5/2012