

TEXAS FUNERAL SERVICE COMMISSION

Issue 1

The Agency's Enforcement Processes Cannot Ensure Fair Treatment of Licensees and Complainants.

Change in Statute

Rec. 1.1, Adopted as Modified

As a management action rather than a statutory directive, require the MOU between TFSC and DSHS to include sanitation standards for funeral homes and death care businesses.

Rec. 1.2, Adopted

Authorize TFSC to order refunds to consumers.

Rec. 1.3, Adopted as Modified

Authorize the agency to use injunctive relief through the attorney general to pursue unlicensed activity, and provide the agency clear statutory authority to take disciplinary action against a licensed funeral establishment, commercial embalming facility, or crematory that assists or allows an individual to engage in unlicensed activity, including practicing funeral directing or embalming without a license.

Management Action

Rec. 1.4, Adopted as Modified

Replace the original staff recommendation with the following. Change the current statutory requirement that licensed funeral establishments and crematories be inspected at least once every two years to at least once every three years, and as a management action, direct the agency to establish a risk-based approach to inspections.

Rec. 1.5, Adopted

Direct the agency to adopt rules for informal settlement conferences.

Rec. 1.6, Adopted

Direct the agency to provide more detailed disciplinary information on its website.

Rec. 1.7, Adopted as Modified

Direct the agency to maintain complainants' confidentiality when possible, and as a statutory change, also make complaints and other investigative information confidential and exempt from public disclosure, other than final enforcement actions such as agreed orders.

Rec. 1.8, Adopted

Direct the agency and DSHS to coordinate access to death certificate information for investigations.

Issue 2

Key Elements of the Agency's Licensing Functions Do Not Conform to Common Standards.

Change in Statute**Rec. 2.1, Adopted**

Authorize TFSC to determine the criteria for preparation room exemptions.

Rec. 2.2, Adopted

Authorize TFSC to set license terms in rule.

Rec. 2.3, Adopted

Remove outdated and unused licensure qualifications.

Rec. 2.4, Adopted

Provide TFSC general fee-setting authority to fully recover its costs.

Management Action**Rec. 2.5, Adopted**

Direct TFSC to eliminate unnecessary notarization requirements.

Rec. 2.6, Adopted

Direct the agency to accept all license applications and fee payments online.

Rec. 2.7, Adopted

Direct the agency to make the consumer brochure freely available to licensees online.

Rec. 2.8, Adopted

Direct TFSC to develop standard procedures for evaluating experience for military service members, military veterans, and military spouses.

Rec. 2.9, Adopted

Direct TFSC to review and evaluate continuing education courses.

Issue 3

The Agency's Regulation of Cemeteries Is Not Necessary to Protect the Public.

Change in Statute**Rec. 3.1, Adopted**

Discontinue TFSC's regulation of non-perpetual care cemeteries.

Rec. 3.2, Adopted as Modified

Replace the member of the TFSC commission who must be a cemetery owner or operator with a crematory owner or operator member.

Management Action**Rec. 3.3, Adopted**

Direct the agency to discontinue its involvement in mediating private cemetery access disputes.

Issue 4

Texas Has a Continuing Need for the Texas Funeral Service Commission, but Opportunities Exist to Improve Public Participation.

Change in Statute**Rec. 4.1, Adopted**

Continue the Texas Funeral Service Commission for 12 years.

Rec. 4.2, Adopted

Authorize TFSC to create advisory committees.

Rec. 4.3, Adopted

Modify the agency's biennial reporting requirement to increase transparency.

Rec. 4.4, Adopted

Update the standard across-the-board requirement related to commission member training.

Adopted New Recommendations***Information on Nontraditional Disposition Options***

Direct the agency to provide information on nontraditional methods and options for the disposition of a body, such as cremation and green burials. (Management action – nonstatutory)

Duplicate Licenses

Amend Texas Occupations Code, Section 651.260 to allow TFSC to issue duplicate licenses to license holders for the purposes of meeting the requirement to display their license at each place of business.

Clarification of First Call and Removal of a Body

Amend Texas Occupations Code, Section 651.401 to clarify the distinction between a first call, when a consumer initially makes contact with a funeral home to arrange for the disposition of a body, and the removal of a body, solely in relation to transportation.