Figure: 22 TAC §203.43(e)

Funeral Homes, Funeral Directors, Embalmers, Crematories, & Provisional Licensees

Texas Occupations Code, Chapters 651
TEXAS HEALTH & SAFETY CODE, Chapters 193, 692A & 716
22 Texas Administrative Code, Chapters 203, 205, & 209
25 Texas Administrative Code, Chapter 181

Class A
Penalty: $100 up to $1,500, refund, reprimand, and/or probation up to one-year full suspension

Administrative Violations

Failed to provide consumers with the Commission's brochure	651.404, 651.454(a)(1), 203.26
Crematory failed to place identification on the exterior container	716.103(a)
Provisional licensees failed to timely notify the Commission of employment where they will train	651.304(a), 203.5(f)
Licensee failed to prepare affidavit of completed cases and length of time when provisional licensee separates from employment	651.304(d), 203.22(h), 203.23(h)
Failed to submit written report within fifteen (15) days of the issuance of a Letter of Warning	651.503
Funeral Director failed to advise next of kin of a deceased peace officer is eligible at no cost to receive a state flag from the Texas Commission on Law Enforcement	651.409
Forensic science program failed to file quarterly report with Commission stating how many donated bodies or body parts were received and how they were used for education or research	692A.011(c)
Licensee failed to file original affidavit with the Commission of length of time and cases completed by a provisional licensee	651.304(d)
Licensee failed to provide copy of affidavit to the provisional licensee regarding length of time and cases completed by the provisional licensee	651.304(d)
Crematory failed to file report with the Commission listing the number of cremations performed	651.658(a), 205.9
Crematory failed to place identification of permanent metal identification on container	716.103(b)
Commercial embalming establishment failed to list the authorizing funeral establishment on the release form	203.21(c)
Failed to place identification inside casket in accordance with requirements	203.29(a)

Provisional Licensee Violations

Failed to inform consumers of provisional status and under supervision when conducting funeral arrangements	651.303(g), 203.32(a)(1)
Failed to file required case report with appropriate person; failed to start a separate case report after moving facilities or after the person in charge changed	203.6(e)
Failed to retain copies of all case report forms and documents for retention period of two years	203.6(f), 203.22(g), 203.23(g)

Posting and Public Information Violations

Failed conspicuously display holder's license in each location	651.261, 203.24(a)-(b) and (d)-(e)

Failed to make the license available for inspection	203.24(c) and (f)
Website failed to display entity's name, trademark or trade name and establishment's license number	203.11(e)
Failed to link cremation society's website and advertising to licensee	203.11(g)
Funeral establishment failed to post location on website and advertising	203.11(g)
Failed to retain copies of employees' licenses for retention period of two years from separation	203.24(f)–(g)
Failed to follow the Federal Trade Commission's embalming disclosure requirements	203.33(f)

Funeral Establishment Facility & Equipment Violations

Failed to have access to rolling stock with at least one motor hearse	651.351(d)(4), 651.460(b)(1)
Failed to have the required facilities to conduct funeral services	651.351(d)(3), 651.460(b)(1), 203.28
Failed to have premises open at all times to inspection	651.157(e), 203.44(a)(4)
Failed to have required casket display	651.351(d)(7), (f), 651.460(b)(1), 203.25
Failed to have sufficient licensed personnel to conduct the operations of the facility	651.351(e)
Failed to be located at fixed place that is not tax exempt	651.351(d)(2)
Licensee in Charge designated at more than one establishment	203.22(d), 203.23(d)

Preparation Room & Equipment Violations

Failed to maintain preparation room with required materials and equipment	651.351(d)(5), 651.460(b)(1), 203.31(a)
Lacked enough space and required fixtures	651.351(d)(5), 651.460(b)(1)
Lacked enough space and required fixtures to accommodate furniture, storage, and equipment	203.31(a)(1)
Operating table was not made of non-porous material, with required edges, and drain opening	203.31(a)(1)(A)
Lacked an aspirator	203.31(a)(1)(C)
Lacked an injection/embalming machine with sufficient supplies and equipment	203.31(a)(2)
Lacked privacy or had a general passageway through it	203.31(a)(6)
Contained public restroom facilities	203.31(a)(8)
Lacked floor-to-ceiling walls covered with tile, plaster, or sheetrock painted with washable paint	203.31(a)(9)
Lacked floors made of concrete or tile flooring, or the tile grout or joint sealant was broken or not intact	203.31(a)(10)
Had unscreened windows or openings to the outside	203.31(a)(12)
Lacked appropriate personal protective equipment for universal precautions	203.31(a)(13)

Price Disclosure Violations

Failed to provide accurate general price information by telephone within reasonable time	651.454(a)(4), 203.46(b)(1)
Failed to give a clear casket price list before discussing or showing caskets	203.46(b)(2)(A)
Omitted effective date, retail prices, or required product details from casket price list	203.46(b)(2)(B)

Failed to identify the main material used to make each casket or container	203.46(b)(2)(B)(i)
Omitted the sealing feature when the general price list included sealing information	203.46(b)(2)(B)(ii)
Failed to state the casket's interior lining material	203.46(b)(2)(B)(iii)
Left off the funeral home's business name or the "casket price list" caption	203.46(b)(2)(C)
Failed to provide clear outer burial container price list before discussing or showing containers	203.46(b)(3)(A)
Failed to identify the main material used to make each outer burial container	203.46(b)(3)(A)(i)
Omitted the sealing feature when the funeral establishment price list included sealing information	203.46(b)(3)(A)(ii)
Left off the funeral home's business name, address, phone number, or the "outer burial container price list" caption	203.46(b)(3)(B)
Failed to provide a clear urn price list before discussing or showing urns	203.46(b)(4)(A)
Left off the funeral home's business name, address, phone number, or the "urn price list" caption	203.46(b)(4)(B)
Gave extra price information without providing required statement when mandatory	203.46(b)(6)

Vital Statistics Violations

Failed to ensure an eligible requester received death certificate within 48 hours	181.2(d)
Shipped body without properly enclosing and attaching burial-transit permit	181.3(a)(4), 181.3(b)(2)
Funeral Director failed to maintain disinterment permit	181.6(c)

Class B
Penalty: $1,000 to $3,500 , refund, reprimand, and and/or probation up to two-year full suspension

Embalming case report failed to include all required information and ensure was correct and legible; failed to complete by body's disposition date; failed to retain for retention period of two years; failed to have licensee who performed embalming complete and sign it	203.32(c)
Contacted a Commissioner about a pending complaint issue without notice and a chance for all parties to participate	203.45(b)(10)
Associated with a funeral establishment, whether licensed or not, and failed to comply with Chapter 651 or a Commission rule.	651.460(a)(5)

Student Violations

Permitted a student to be present and/or participate in the embalming of a dead human body without obtaining written consent to use of a body by school of mortuary science	651.457(a)(3)
Allowed more than two provisional licensees to receive credit for work performed on one body	651.303(d)
Failed to schedule case work sufficient to fulfill the requirements of the provisional program	203.6(c), 203.22(f), 203.23(f)

Facility & Equipment Violations

Funeral Establishment failed to comply with building, health & fire safety codes	651.351(d)(1), 651.351(d)(6)
Engaged in unethical conduct by violating state law concerning transportation, storage, refrigeration, inurnment, interment, or disinterment of dead human body	651.456(3)
Temporary facility during disaster failed to comply chapter 651 and rules	203.12(b)

Performed embalming at improperly equipped facility	203.32(a)(2)
Failed to keep required records at the licensed establishment for at least two years.	203.35(a)
Failed to make required records available to the person responsible for final arrangements during regular business hours	203.35(a)

Sanitation Violations

Failed to disinfect decedent's clothing and/or personal effects before delivery or discard consistent with the disposal of biohazardous material	203.32(a)(5)
Embalmer failed to clean the body immediately after embalming with antiseptic soap or detergent	203.32(a)(7)
Embalmer used arterial fluid without a clearly marked formaldehyde or approved-substance index on the label or manufacturer's printed materials	203.32(a)(10)
Embalmer used embalming fluid with less than 1.0% formaldehyde or too little diluted solution for the body's weigh	203.32(a)(11)
Embalmer failed to treat abdominal and thoracic cavities by aspirating removable cavity contents with the highest available vacuum pressure	203.32(a)(12)(A)
Embalmer failed to treat abdominal and thoracic cavities by injecting and evenly distributing enough acidic concentrated cavity fluid with at least two preservative chemicals	203.32(a)(12)(B)
Embalmer failed to treat abdominal and thoracic cavities by repeating aspiration and cavity fluid injection after swelling or leakage	203.32(a)(12)(C)
Embalmer failed to thoroughly check the body after treatment was completed; failed to hypodermically inject any area not adequately disinfected by arterial or cavity treatment; failed to apply a topical disinfectant and preservative when further treatment was required	203.32(a)(13)
Embalmer failed to hypodermically inject areas not properly treated through remaining arterial circulation	203.32(a)(14)
Embalmer failed to apply powder/gel embalming medium to exterior and enclose the high-infection-risk body in a zippered plastic or rubber pouch before burial/disposal	203.32(a)(15)

Funeral Establishment Recordkeeping & Contract Violations

Failed to remit amount collected from customer to the previous funeral establishment that had transferred a dead human body	651.406(e)
Delivered remains to crematory without required signed written statement confirming identity on cremation authorization form	716.104(a)
Failed to sign cremation authorization form	716.052(c)
Failed to notify Commission within 15 days of change of Licensee in Charge	651.403(a)(2), 203.22(a), 203.23(a)
Failed to designate the Licensee in Charge	651.403(a)(1), 203.22(a), 203.23(a)
Failed to maintain written consent of permission to use of a body by school of mortuary science for the required retention period of two years	651.407(c)
Failed to retain and make available to the Commission copies of required documentation for the mandatory retention period of two years	651.460(a)(2)
Failed to keep required written proof of oral embalming permission for two years	203.33(a)
Failed to keep required written proof of efforts to obtain embalming permission for two years	203.33(b)
Failed to get required Authorization to Embalm Form signed; Altered or failed to use the Commission's adopted Authorization to Embalm Form	203.33(d)

Failed to retain a copy of the mortuary student authorization as required	203.33(e)
Failed to retain accurate required price lists for two years after last distribution; failed to retain each Purchase Agreement for two years after the arrangements conference	203.34
Failed to place the required embalming disclosure next to the embalming price on the general price list	203.48(a)(2)(B)
Failed to place the required alternative-container disclosure next to the direct-cremation price range	203.48(b)(2)
Failed to place the required outer burial container disclosure next to the listed container prices	203.48(c)(2)
Failed to identify and briefly describe the claimed requirement in writing on the purchase agreement	203.48(d)(2)
Failed to place the required cash advance service-charge disclosure next to the itemized cash advance list	203.48(f)(2)
Failed to follow required disclosures that prevented unfair or deceptive required purchases	203.49(b)(2)
Failed to include required disclosures on the general price list and purchase agreement	203.49(b)(2)(A)
Failed to include the required embalming-charge explanation on the itemized purchase agreement	203.50(b)
Failed to make required disclosures clearly and conspicuously, or included statements in required price lists that changed or contradicted required information	203.51

Crematory Recordkeeping & Contract Violations

Cremation authorization form failed to include all required information	716.052(a)
Cremation authorization form failed to include all required notifications and disclosures	716.052(b)
Failed to provide cremation authorization form to an authorizing agent upon request	716.052(d)
Failed to maintain copy of receipt of remains	716.102(b)
Failed to remove identification label from cremation container immediately before cremation	716.152(c)
Failed to give delivering funeral establishment representative receipt with required information	716.102(a)
Failed to maintain required records for mandatory retention period of five years	716.251(b)
Failed to properly label temporary containers with the required notice, the deceased's name, and establishment's name	716.155(c)
Shipped remains without required tracking and signed delivery confirmation; failed to label the shipping container with required identifying and temporary-container information.	716.155(e)
Failed to give the person receiving cremated remains receipt including the required information	716.156(b)
Failed to keep a copy of required receipt in crematory's records	716.156(c)
Failed to keep a complete cremation record at its business	716.251(a)
Failed to keep signed written statement of the known final disposition of the cremated remains	716.302(a)
Failed to keep a record of the final disposition of unclaimed cremated remains	716.302(c)
Required a casket purchase for direct cremation or failed to offer an alternative container	203.49(a)

Price Disclosure Violations

Retail Price List failed to include required retail prices, provisions, and notifications	651.405, 651.4055

Failed to provide prospective customers with a retail price list for their keeping	651.454(a)(2), 203.46(b)(5)(A)(i)
Failed to explain to prospective customers that a contract cannot be entered into until they receive the price list	651.454(a)(3)
Discussed prices, services, and disposition without first giving the general price list	203.46(b)(5)(A)(i)
Failed to give general price list during off-site discussion that went beyond embalming authorization	203.46(b)(5)(A)(ii)
Omitted required identifying information from the general price list	203.46(b)(5)(A)(iii)
Failed to list required retail prices and descriptions for offered goods or services	203.46(b)(5)(B)
Omitted price or included services for forwarding remains to another funeral home	203.46(b)(5)(B)(i)
Omitted price or included services for receiving remains from another funeral home	203.46(b)(5)(B)(ii)
Omitted required direct-cremation price ranges, separate prices, or descriptions	203.46(b)(5)(B)(iii)
Omitted required immediate-burial price ranges, separate prices, or descriptions	203.46(b)(5)(B)(iv)
Omitted price for transferring remains to funeral home	203.46(b)(5)(B)(v)
Omitted price for embalming	203.46(b)(5)(B)(vi)
Omitted price for other body preparation	203.46(b)(5)(B)(vii)
Omitted price for facilities and staff used for viewing	203.46(b)(5)(B)(viii)
Omitted price for facilities and staff used for funeral ceremony	203.46(b)(5)(B)(ix)
Omitted price for facilities and staff used for memorial service	203.46(b)(5)(B)(x)
Omitted price for equipment and staff used for graveside service	203.46(b)(5)(B)(xi)
Omitted price for hearse	203.46(b)(5)(B)(xii)
Omitted price for limousine	203.46(b)(5)(B)(xiii)
Omitted price for filing a life-insurance claim for beneficiaries	203.46(b)(5)(B)(xiv)
Failed to include required casket, outer-container, basic-services, or insurance-payment disclosures	203.46(b)(5)(C)
Omitted required casket price information or casket price-list statement	203.46(b)(5)(C)(i)
Omitted required outer burial container price information or required complete-list statement	203.46(b)(5)(C)(ii)
Omitted or misstated required basic services fee disclosure	203.46(b)(5)(C)(iii)
Charged another non-declinable services, facilities, or overhead fee not allowed by law	203.46(b)(5)(D)
Charged a required fee beyond the permitted basic services of the funeral director and staff	203.49(b)(1)(B)(i)
Charged a required fee for funeral goods or services the purchaser did not select	203.49(b)(1)(B)(ii)
Charged a required fee without explaining the legally required goods or services on the itemized statement	203.49(b)(1)(B)(iii)

Purchase Agreement Violations

Failed to include all required provisions and notifications	651.406(a)–(b), 651.4065(a)–(b)
Failed to provide a customer with required purchase agreement	651.460(a)(1), 203.46(a)

Failed to include the signature of the funeral director	651.406(c)
Failed to include amount owed by a customer to the previous funeral establishment that had transferred a dead human body	651.406(e)
Failed to list selected funeral goods and services with prices or package discount	203.47(a)(1)
Failed to itemize cash-advance items with known prices, reasonable estimates, or later actual charges before final payment	203.47(a)(2)
Failed to state total cost of selected goods and services	203.47(a)(3)
Failed to give complete descriptions of all purchased goods	203.47(a)(4)
Failed to include required purchase-agreement information in final contract, statement, or document	203.47(b)
Failed to separately list any added obituary-logo cost as a cash-advance item	203.47(c)
Failed to list and remit unpaid charges owed to transferring funeral establishment as cash advances	203.47(d)
Failed to include unpaid removal charges from the transferring funeral establishment	203.47(d)(1)
Failed to include unpaid refrigeration charges from the transferring funeral establishment	203.47(d)(2)
Failed to include unpaid authorized embalming charges from the transferring funeral establishment	203.47(d)(3)
Failed to include unpaid transportation charges from the transferring funeral establishment	203.47(d)(4)
Failed to include unpaid casket charges from the transferring funeral establishment	203.47(d)(5)

Vital Statistics Violations

Failed to send the death report to the local registrar within 24 hours as required	181.2(a)
Failed to obtain required burial-transit permit before moving a body out of Texas	181.2(b)
Failed to provide sexton with required information	181.2(c)
Shipping containers or method failed to comply with requirements of the common carrier, receiving state, or foreign country	181.3(a)(3)
Failed to obtain written consent from all required parties concerning disinterment	181.6(k)-(l)
Failed to properly file fetal death certificate	181.7

Continuing Education Provider Violations

Failed to verify attendance; failed to provide certificate to attendee; certificate failed to include all required information	203.8(d)(1)
Failed to give participants a way to evaluate the continuing education program	203.8(d)(2)
Failed to maintain attendance for retention period of two years; failed to provide Commission with attendance records	203.8(d)(3)
Improperly awarded credit for time the licensee did not attend the program	203.8(d)(4)

Class C
Penalty: $2,000 to $5,000, refund, reprimand, and and/or probation up revocation

Licensee released a dead human body to a school of mortuary science without possession of required written consent	651.407(b)
School of mortuary science accepted a dead human body without possession of required written consent	651.407(b)
Funeral establishment failed to make available for inspection the written consent to use of a dead human body by a school	651.407(c)

School of mortuary science failed to permanently retain the required written consent to use of a dead human body by a school	651.407(d)
School of mortuary science failed to make available for inspection by the Commission the required written consent to use of a dead human body by a school	651.407(d)
Written consent to use of a dead human body by a school failed to include required statements	651.407(e)
Embalmed or attempted to embalm a dead human body without proper authority	651.457(a)(2)
Embalmer failed to use an accepted technique to close eye, mouth, and lip; failed to achieve best results to close eye, mouth, and lip	203.32(a)(6)

Unlicensed Violations

Engaged in regulated activities with an expired license	651.165(a)
Funeral establishment operated with an expired license	651.354(c)
Crematory operated with an expired license	651.658(d), 205.3(f)
Individuals involved in first calls and body removal other than a Funeral Director encounters family members and do not restrict communication to identifying their employer and making required disclosures	651.401(d)

Facility & Equipment Violations

Preparation room lacked a sink with hot and cold running water that drains freely	203.31(a)(1)(B)
Preparation room failed to be clean, sanitary, and only used for purposes related to the care of the deceased	203.31(a)(3)
Preparation room allowed for the entrance of rodents	203.31(a)(4)
Preparation room infested with rodents and/or insects	203.31(a)(5)
Preparation room failed to be properly ventilated	203.31(a)(7)
Preparation room allowed odors to enter other parts of the building	203.31(a)(11)

Cooperation Violations

Failed to make available accurate required price lists for two years after last distribution; failed to make available each Purchase Agreement for two years after the arrangements conference	203.34
Failed to provide requested record copies to the Commission	203.35(a)
Failed to cooperate with an investigation	203.41(f)-(h)
Refused, failed, or delayed keeping, maintaining, furnishing, or submitting required records or information	203.45(b)(2)
Obstructed a Commission employee performing lawful enforcement duties	203.45(b)(5)

Professionalism Violations

Acted negligently in the practice of embalming and/or funeral directing	651.459(a)(3)
Failed to obtain written consent to use a body by school of mortuary science; Used dead human body by mortuary school without written consent	651.407(a)
Establishment allowed the use of dead human body for research or educational purposes without obtaining required written consent	651.460(a)(4)
Took custody of body without permission	651.456(1)
Engaged in fraud and deceptive acts by	
Made a distinction in providing funeral information to a customer based on the customer's affiliation or whether the customer had an immediate need for funeral services or merchandise	651.458
Failed to complete required continuing education	203.8(a), (e)-(f)
Licensee in Charge failed to be available to perform routine functions and	203.22(b),

responsibilities	203.23(b)
Copied, kept, repeated, or transmitted Commission exam questions	203.45(b)(6)
Committed deceit by stating something false as fact to deceive or defraud someone	203.45(b)(9)(B)
Failed to pay a subcontractor for agreed consumer-related services	203.45(b)(13)
Engaged in unethical conduct by restricting, hindering, and/or attempting to restricting/hinder advertising, disclosure of prices, and/or availability of services and/or merchandise	651.454(b)(1)
Engaged in unethical conduct by restricting, hindering, and/or attempting to restricting/hinder an agreement for funeral services between a consumer and a funeral director and/or embalmer	651.454(b)(2)
Failed to know, follow, or use reasonable judgment and skill under applicable laws, rules, codes, and Commission procedures	209.1(a)
Performed duties negligently or incompetently	209.1(b)
Licensee failed to comply with laws, rules, and codes; failed to make licensee's role clear	209.1(d)

Misrepresentation Violations

Made false statement regarding legal, religious, or cemetery requirements	651.455(a)(1)
Made false statement regarding the preservation qualities concerning services/merchandise ability to prevent/delay natural decomposition	651.455(a)(2)
Made false statement regarding the airtight/watertight properties of a casket or outer enclosure	651.455(a)(3)
Made false statement regarding the licensure status of an establishment's staff	651.455(a)(4)
Made false statement regarding any regulated activities	651.455(a)(5)
Made a statement and/or implication that a customer's concern about the costs was improper and/or indicated a lack of respect for the deceased	651.459(b)
Failed to truthfully and accurately certify the work performed by a provisional licensee	203.6(d)
Made false statement regarding franchise tax status	203.13(b)
Failed to obtain identity and relationship with decedent before discussing funeral arrangements	203.27
Made a false factual representation through words or conduct	203.45(b)(9)(C)
Misrepresented embalming requirements or failed to disclose when embalming was not legally required	203.48(a)
Deceptively sold funeral goods or services by misstating embalming requirements	203.48(a)(1)
Represented that law required embalming when it did not	203.48(a)(1)(A)
Failed to disclose that embalming was not required by law except in special cases	203.48(a)(1)(B)
Failed to follow required steps to prevent deceptive embalming claims	203.48(a)(2)
Claimed embalming was required for arrangements that did not legally require it	203.48(a)(2)(A)
Misrepresented casket requirements for direct cremation	203.48(b)
Deceptively sold funeral goods or services by claiming a casket was required for direct cremation	203.48(b)(1)
Misrepresented outer burial container requirements	203.48(c)
Deceptively sold funeral goods or services by misstating outer burial container requirements	203.48(c)(1)
Misrepresented legal, cemetery, or crematory purchase requirements	203.48(d)
Represented that law, a cemetery, or a crematory required funeral goods or services	203.48(d)(1)

when it did not	
Made deceptive preservative or protective-value claims	203.48(e)
Represented that funeral goods or services would delay natural decomposition for a long-term or indefinite time	203.48(e)(1)
Represented that funeral goods had protective features or protected the body when they did not	203.48(e)(2)
Misrepresented cash advance charges	203.48(f)
Deceptively sold funeral goods or services by misstating cash advance costs	203.48(f)(1)
Required unwanted funeral goods or services as a condition of providing other goods or services, or charged an unauthorized required fee	203.49(b)
Used unfair or deceptive sales conditions or fees when providing funeral goods or services	203.49(b)(1)
Misrepresented, deceived, or failed to act honestly and trustworthily	209.1(c)(1)
Provided inaccurate or misleading information to the Commission or a consumer	209.1(e)(6)
Engaged in misrepresentation while acting as a licensee	209.1(e)(7)

Funeral Establishment Final Disposition Violations

Licensee or agent failed to be present at graveside services and/or casket interment or entombing	651.4085, 203.30
Funeral Director did not direct the removal of body	651.401(b)
Embalmed a body without consent by authorized person	651.457(a)(1)(A), 203.50(a)
Embalmed a body without documented reasonable attempts to obtain permission within three hours	651.457(a)(1)(B)
Licensee not physically present to supervise provisional licensee	651.306, 203.22(f), 203.23(f)
Failed to remit funds to transferred funeral home	651.406(e)
Funeral Director in Charge failed to provide direction or personal supervision for a first call	651.459(c)
Funeral director failed to ensure a disclosed pacemaker or other hazardous implant was removed before sending remains to crematory	716.154(c)
Fail to make and maintain embalming case report	203.32(c)
Embalmed a body after receiving custody from Medical Examiner or Justice of the Peace without permission from the person responsible for final arrangements	203.33(c)

Crematory Final Disposition Violations

Simultaneous cremation without required authorization	716.153, 205.15(a)
Commingled remains without required authorization	716.155(b), 205.15(b)
Cremated a body without proper authorization and death certificate/record	716.051, 205.11
Cremated a body within 48 hours without permission	716.004, 205.7
Accepted unidentified human remains for cremation	716.101(a)
Failed to use a proper cremation container for human remains in that the body was not placed in a safe, suitable, fully enclosed cremation container before cremation	716.151(a)
Removed human remains from cremation containers; cremated human remains without cremation container	716.151(b)
Required a casket for cremation; refused to accept remains because not in a casket	716.151(c)
Inappropriate person present during cremation process	716.152(b)
Failed to properly collect remains, reduce bone fragments to the required size, and/or remove/dispose of other non-remain materials	716.152(d)

Knowingly cremated remains that contained a pacemaker or other hazardous implant.	716.154(a)
Failed to place the cremated remains, with proper identification, into a temporary container	716.155(a)
Failed to release remains to representative of funeral establishment that delivered the body for cremation	716.156(a)(1)
Failed to ship cremated remains to the address provided by authorizing agent within 30 days after cremation	716.156(a)(3)
Improperly cremated a flag with human remains or without a proper request for memorial ash-spreading purposes	716.157(a)
Incinerated flag outside the allowed time periods around Memorial Day, Flag Day, or Independence Day	716.157(a)(1)–(3)
Disposed of unclaimed cremated remains before 121st day after cremation, without proper authority, or failed to keep a record of the final disposition	716.302(c)
Commercial embalming establishment removed deceased without authorization from a licensed funeral establishment	203.21(c)

Vital Statistics Violations

Transported a body before first completing/obtaining required report of death	181.2(a)
Shipped body via a common carrier in an inappropriate casket/container	181.3(a)(1)
Failed to ship via a common carrier an unembalmed or decomposing body in an airtight container	181.3(a)(2)
Shipped body via a non-common carrier in an inappropriate casket/container	181.3(a)(1)
Kept or transported a body more than 24 hours after death before final disposition without using required safeguards: refrigeration at 34–40°F, embalming, or a sealed container to prevent fluid leakage and offensive odors	181.4
Failed to comply with law and rules regarding transporting, storing, refrigerating, burying, cremating, or disinterring human remains	203.45(b)(14)
Violated a law or regulation governing the handling, custody, care, or transportation of a decedent	209.1(e)(9)
Funeral Director failed to ensure proper conduct of the disinterment and removal	181.6(b)
Failed to transport disinterred body in required container/casket	181.6(g)
Failed to thoroughly embalm disinterred body kept receiving vaults; failed to enclose disinterred body in a permanently sealed casket	181.6(j)
Individual failed to file the death certificate within 10 days after the death	193.003(a)
Individual failed obtain the signature on the death certificate from the person who provided the required information	193.004(c)

Sanitation Violations

Embalmers failed to utilize required personal protective equipment	203.32(a)(4)
Embalmers failed to disinfect body openings, open lesions, or surgical incisions before or immediately after arterial injection	203.32(a)(8)
Embalmers failed to pack body openings with disinfectant-soaked cotton after cavity treatment if leakage likely or body would be shipped	203.32(a)(9)
Operated facility in an unsanitary manner	203.45(b)(3)
Failed to practice funeral directing or embalming to protect the public health or welfare	203.45(b)(4)

Class D
Penalty: $3,500 up to $5,000, refund, reprimand, and and/or probation up to revocation

Provisional licensee failed to work under the supervision of an appropriate licensee	651.303(a-1)(2), 203.5(d),

	203.32(a)(3)(a)
Funeral director paid for regulated services without being licensed and/or without acting as an employee, agent, subcontractor, or assignee of a licensed funeral establishment	651.402(a)
Licensee is unfit to practice due to insanity and/or current substance abuse	651.452(2) & (3)
Provisional licensee embalmed a dead human body without proper supervision	651.457(b)
Violated Health & Safety Code Chapter 716 governing crematories	651.508
Violated Health & Safety Code Chapter 361 governing solid waste disposal	651.460(b)(2)
Violated Health & Safety Code Chapter 193 governing death records	651.460(b)(2)
Violated Finance Code Chapter 154 governing prepaid funeral services	651.460(b)(3)
Improper person initiated first call instead of person responsible for making arrangements under law	203.21(a)
Commercial embalming establishment authorized the first call or dealt directly with the public	203.21(c)
Denied or limited services based on religion, race, color, national origin, sex, sexual orientation, or disability	209.1(e)(1)

Unlicensed Violations

Unlicensed practitioner	651.251(a)–(b), 203.1(a)
Used chemicals on or inside a dead body without an appropriate license	651.457(a)(4)
Unlicensed facility	651.351(a), 651.352(b), 651.656(a)
Licensee performed outside the scope of the licensee's license	651.459 (a)(7)
Performed acts of funeral directing and/or embalming in a capacity other than that of an employee, agent, subcontractor, or assignee of a licensed funeral establishment that has contracted to perform those acts	651.459(a)(7)
Solicited business and/or offered an inducement to secure and/or attempt to secure business for an establishment unless the solicitor has required permit	651.454(c)
Directly or indirectly employed a person who did not hold the required permit to solicit individuals or institutions to obtain or attempt to obtain funeral business for an individual or establishment	651.459(a)(5)
Solicited business or offered an inducement when not authorized by law	209.1(e)(8)
Unlicensed person performs first-calls	651.401(d)
Licensee working at unlicensed facility	651.303(a-1)(1)
Allowed unlicensed person to perform work that requires licensure	651.460(b)(4), 651.460(c)
Permitted another person to use his/her/its license or registration to perform regulated activity	651.451(7)
Provisional licensees failed to be employed by a licensed facility	651.304(b), 203.5(d) and (f)
Employed unlicensed individuals to provide regulated services that require licensure	651.352(c)
Failed to obtain a provisional license before engaging in learning the practice of funeral directing or embalming	651.301
Provisional licensee worked as a funeral director and/or embalmer with a suspended or canceled license	651.305(d-3)
Out-of-state embalmer assisted during a major disaster without prior approval or without required supervision by a Texas licensed embalmer.	203.32(a)(3)(C)
Allowed a non-provisional mortuary student to assist with embalming without required authorization on hand	203.33(e)

Ethics Violations

Knowingly releases the decedent's remains to an individual who was involved in the decedent's death	651.460(a)(6)
Failed to comply with previous order of Commission/Executive Director	651.460(a)(3)
Refused to promptly surrender a body to authorized agent or representative; held body hostage	651.456(2)
Failed to release all cremated remains to authorized agent, authorized person or representative; failed to return any extra remains in a separate compliant temporary container	716.155(d), 716.156(a)(2)
Released or handle cremated remains not in accordance with deceased person's written cremation-disposition directions	716.156(a)(4)
Willfully made a false statement on a death certificate or required document	651.459(a)(1)
Engaged in fraudulent, unprofessional, or deceptive conduct in providing funeral services or merchandise	651.459(a)(2)
Engaged in dishonest and/or willful conduct in the practice of embalming or funeral directing	651.459(a)(3)
Misappropriated funds; retained excess funds for an unreasonable amount of time that should have been refunded	651.459(a)(6)
Failed to properly account for or return money, documents, or personal property belonging to others	209.1(e)(4)
Used fraud, deceit, or misrepresentation to cause the execution of a document	651.459(a)(4)
Licensee is unfit to practice due to conviction of a misdemeanor related to the practice of funeral directing or embalming; licensee is unfit to practice due to conviction of a felony	651.452(1)
Licensee is unfit to practice due to conviction of a felony	651.452(1)
Licensee failed to timely notify the Commission in writing regarding conviction	203.15(b)
Physically abused or threatened a Commission employee performing lawful duties	203.45(b)(7)
Engaged in willful, flagrant, shameless, or morally indifferent conduct	203.45(b)(8)
Tried to coerce, harass, bribe, force, or threaten a complainant or witness to change or withdraw a complaint	203.45(b)(11)
Retaliated or threatened retaliation against a good-faith complainant	203.45(b)(12)
Used threats, coercion, or extortion	209.1(c)(2)
Disregarded consumer's right to make personal arrangement choices	209.1(c)(3)
Disclosed confidential information about deceased or deceased's family	209.1(e)(3)

Deceptive Acts

Engaged in fraud and/or deceptive acts by presenting to the Commission illegally and/or fraudulently obtained licenses, certificates, registrations, or diplomas	651.451(1)
Used fraud or deception to pass an exam	651.451(2)
Submitted fraudulent documents to the Commission with an application for a license or registration	651.451(3)
Altered licenses, registrations, or certifications issued by the Commission; Altered transcripts	651.451(4)
Used fraudulently obtained licenses, registrations, transcripts or certifications	651.451(5)
Impersonated a licensee or regulated person	651.451(6)
Provisional licensee submitted false certification of work done	651.451(8)
Submitted fraudulent continuing education records	203.8(k)

Made false and/or misleading advertisements	651.453, 203.11(f)
Committed fraud by intentionally misleading someone to obtain money, property, rights, or a license.	203.45(b)(9)(A)
Failed to give accurate price information for funeral goods and services used in the disposition of remains	203.46(a)
Engaged in an unfair or deceptive funeral practice	203.52
Performed duties dishonestly, without integrity, or in an untrustworthy manner	209.1(b)
Failed to act with integrity while performing licensed duties	209.1(c)
Failed to provide required documents, pricing, brochures, price lists, or funeral information in a fair and nondeceptive way	209.1(e)(2)
Participated in a plan or scheme to evade funeral laws or Commission rules	209.1(e)(5)
Provided deceitful information to the Commission or a consumer	209.1(e)(6)
Engaged in dishonesty or fraud while acting as a licensee	209.1(e)(7)

Vital Statistics Violations

Failed to properly complete, sign, and electronically file the death certificate, including the required disposition information	193.002
Failed to obtain the required personal information for the death certificate from a competent person who knew the facts	193.004(a)
Failed to obtain the required personal information for the fetal death certificate from a person best qualified to provide it	193.004(b)
Failed to obtain the required medical certification from the decedent's appropriate medical personnel for the death certificate	193.005(a)
Failed to provide the required veteran-service information on the death certificate	193.006(b)

Public Health Violations

Failed to comply with minimum standards required to inhibit pathogenic organisms in a dead human body	203.32(a)
Failed to treat and store body to prevent insects or vermin; failed to use an effective vermicide or insecticide after infestation occurred	203.32(a)(17)
Failed to use every professional effort, technique, or chemical needed to achieve the highest level of disinfection during embalming	203.32(a)(18)