



Board of Embalmers and Funeral Directors

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Board of Embalmers and Funeral Directors. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Board of Embalmers and Funeral Directors personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Board of Embalmers and Funeral Directors to destroy the records listed, after the appropriate retention periods have passed.

Board of Embalmers and Funeral Directors personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Board of Embalmers and Funeral Directors.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Board of Embalmers and Funeral Directors, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represent that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Board of Embalmers and Funeral Directors

The Board of Embalmers and Funeral Directors is governed by KRS Chapter 316. The Board was established as State Board of Embalmers in 1934 per Chapter 155 of the Acts of the General Assembly.

The Board consists of five Board members, office staff and an inspector. It includes four licensed funeral directors and embalmers and one public (consumer) member. The Board's objective is to prescribe the standards of efficiency for those who are engaged in the practice of funeral directing and embalming. The Board also adopts, promulgates and enforces regulations for the transaction of the funeral establishments and embalming business, the management of its affairs, and the promotion of the educational standards of the professions.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Embalmers and Funeral Directors
Agency

December 8, 2016
Schedule Date

Unit

Change Date

December 8, 2016
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

[Signature]
Agency Head Kanetha Dorsey
Agency Records Officer Kanetha Dorsey

11/7/16
Date of Approval
11/7/16
Date of Approval

State Archivist and Records Administrator
Director, Public Records Division

[Signature]
Chairman, State Archives and Records Commission

Date of Approval
12/8/16
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

[Signature]
Records Analyst/Regional Administrator
[Signature]
Appraisal Archivist
[Signature]
State/Local Records Branch Manager

11.9.16
Date of Approval
12.08.16
Date of Approval
12/8/2016
Date of Approval

The determination as set forth meets with my approval.

[Signature] (for mH)
Auditor of Public Accounts

12-8-16
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Embalmers and Funeral Directors, Board of

Record Group
Number
1000

Series	Records Title and Description	Function and Use
01080	License Holders - Annual List	This series documents a list of the most current licensed embalmers, funeral directors, and funeral establishments in the Commonwealth of Kentucky pursuant to the requirements of KRS Chapter 316 and the regulations promulgated thereto. It is updated quarterly.
	Access Restrictions	
	Contents	Series may contain: license type, license number, name, employer, business address, business contact information, funeral home names, embalmer manager, funeral director manager.
	Retention and Disposition	Update quarterly and retain permanently in Agency.
01081	Complaints and Investigation Folders	This series documents complaints filed with the Board of Embalmers and Funeral Directors alleging an embalmer, funeral director, funeral establishment, or an apprentice has violated provisions of KRS Chapter 316 and also includes the investigation of the alleged complaints. Pursuant to 201 KAR 15:080, the complaint must be in writing to the Board of Embalmer and Funeral Directors, be signed by the person making the complaint. A copy is sent to the respondent and shall file a written response to the Board within twenty (20) days after receipt of the notice of the complaint. The Board may assign a member of the Board to investigate the facts alleged in the complaint and submit a report to the Board. The complaint and conclusion of the investigation is placed in the in the file.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Series may contain: Written complaint that includes name, address, phone number of person making complaint; name of respondent; allegation; name and address of funeral home; written response by respondent; name of investigator assigned; conclusion of investigation whether unfounded or referred to the Board of Embalmers and Funeral Directors for disciplinary action.
	Retention and Disposition	Retain in Agency ten (10) years after conclusion of investigation then destroy. If complaint is founded and disciplinary action results, transfer to series 05933, Administrative Hearings, which has a permanent retention.
01085	Incomplete/Unsuccessful Apprenticeship Registration and Unaccompanied Transcripts/Board Scores	This series documents incomplete and unsuccessful apprenticeships by persons applying for funeral director and/or embalmer per the requirements of KRS Chapter 316. It also documents unaccompanied transcripts and board scores from applicants who have not pursued a Kentucky license but have had these documents automatically sent to the Board.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Series may contain: application with name, address, date of birth, social security number of applicant; information of funeral establishment of apprenticeship; receipt of paid fees; criminal conviction(s); transcripts; board scores; sworn statements; supervisor's name; complaints.
	Retention and Disposition	Retain in Agency five (5) years and destroy. If apprenticeship includes complaints, retain fifty (50) years or until notification of applicant's death, then destroy.

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Record Group
Number
1000

Series	Records Title and Description	Function and Use
01086	License Renewal Application - Annual	This series documents annual renewal applications for an embalmer's and/or funeral director's license pursuant to the provisions set forth in KRS 316.130. Licenses are issued annually and expire on July 31 following the date of its issuance. They must meet the criteria established by the Board of Embalmers and Funeral Directors. Renewals received after July 31 are assessed a late fee.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Series may contain: name of embalmer or funeral director, address, phone and fax numbers, license number, stockholders name and addresses, continuing education list, exemptions for continuing education.
	Retention and Disposition	Retain in Agency five (5) years from date of issuance and then destroy.
01087	Apprenticeship Registration - Embalmers and Funeral Directors (V)	This series documents applicants who have registered with the Board of Embalmers and Funeral Directors to serve an apprenticeship under the supervision of a Kentucky licensed embalmer or funeral director. The Board of Embalmers and Funeral Directors staff use this record to ensure the apprentice is completing the requirements in a timely manner as provided in KRS Chapter 316 and the regulations promulgated thereto.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Series may contain: name of apprentice applicant, name and address of supervising embalmer or funeral director, date summary work reports submitted, date book/article report submitted, date of successful completion of apprenticeship, scheduled date of examination for license, level 2 application form.
	Retention and Disposition	After successful completion of apprenticeship and board test, retain apprentice application, apprentice complaints, and test dates, and transfer to Record Series 05931, Funeral Directors and Embalmers License Folder. Destroy balance of files. For apprentices who have successfully completed apprenticeship but not successfully completed testing, retain in Agency fifty (50) years after successful completion of apprenticeship or until notification of apprentice's death, then destroy.
01089	Examination Folders	This series documents an applicant's questions and answers to an examination for a license to practice embalming and/or funeral directing in the Commonwealth of Kentucky pursuant to 201 KAR 15:040. 201 KAR 15:040 Section 2 (2) states "all written questions for the embalmer's and funeral director's examinations are the property of the Board and applicants shall return the questions to the Board with their answers." An applicant must obtain a proficiency of seventy-five (75) percent to make a passing grade.
	Access Restrictions	KRS 61.878 (1)(a) re personal information; KRS 61.878 (1)(g) re examination data
	Contents	Series may contain: name; address; date of birth; social security number; test booklet number, questions, and answers; score.
	Retention and Disposition	Retain in Agency two (2) years after date of successful examination and destroy. Transfer incomplete or failed examinations to Record Series 01087, Apprenticeship Registration - Embalmers and Funeral Directors.

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STATE AGENCY RECORDS
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General Government
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Series	Records Title and Description	Function and Use
05631	Continuing Education Provider Approval File	This series documents the approval of providers for continuing education of licensed Embalmers and Funeral Home Directors. Providers, also called "sponsors," may apply for approval at any monthly Board meeting and must apply not less than 30 days prior to the intended start date of the training. Approved trainings may begin at any point during the year but all approvals expire on June 30th. Training may be in classroom settings, through correspondence, and online. The same course of training may be reapproved each year, or a sponsor may offer a new program each year. Significant changes in a training program made after Board approval must also be approved by the Board. Licensees pay for the training themselves; the Board does not reimburse licensees or sponsors for continuing education training.
	Access Restrictions	
	Contents	Series may contain: request for approval form, training program information, attached program schedule and outline, information on the instructors, evaluation checklists utilized by Board members, course catalogs, instructor biographies, general information about sponsors and other related trainings, roster list.
	Retention and Disposition	Retain in Agency two (2) years and destroy all except roster list after the end of the fiscal year in which the provider application was submitted. Retain roster list for five (5) years from creation of record, then destroy.
05928	Continuing Education Credit File (V)	This series documents the continuing education credits of licensed embalmers and funeral directors in Commonwealth of Kentucky as required for renewal of license. KRS 316.130 requires, prior to the annual renewal of the license, the embalmer or funeral director complete a minimum of twelve (12) hours every two years in a continuing education program or a Board-approved program. The Board of Embalmers and Funeral Directors may grant an exemption to the continuing education requirement if the applicant demonstrates that meeting the continuing education requirements of this statute would create an undue hardship because of a disability, illness or other mitigating circumstances, or if the applicant is seventy (70) years of age or older and is not actively involved in embalming or funeral directing. Class titles, class dates, and credit hours are logged in an electronic database.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Series may contain: name and license number of applicant for renewal, address, phone and fax numbers, request for exemption, Board recommendation, class title, class date, credit hours, class location, class instructor.
	Retention and Disposition	Retain in Agency and destroy two (2) years after continuing education compliance period.
05929	Funeral Establishment License File (V)	This series documents the licensed funeral establishments in the Commonwealth of Kentucky pursuant to provisions stated in KRS Chapter 316. 201 KAR 15:110 mandates the minimum requirements for the licensing and operation of a funeral establishment, including the chapel, preparation room and viewing area, visitation and ceremonial funeral service establishment, embalming service establishment, full service funeral establishment, establishment supervisor, the transfer of ownership; opening of an establishment, advertising and signage and publication of obituaries. Funeral establishments are required to renew licenses annually by paying the annually renewal fee equal to the establishment license fee.
	Access Restrictions	
	Contents	Series may contain: Name and address of funeral establishment; phone and fax numbers; type of establishment; License number; stockholders names, if applicable; amount of fee; name and license number of funeral director; name and license number of embalmer; name and license number of supervisor of establishment.
	Retention and Disposition	Retain permanently in Agency.

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Series	Records Title and Description	Function and Use
05931	Funeral Directors and Embalmers License Folder (V)	This series documents that a person has met all the requirements to receive a license to practice embalming and/or funeral directing in the Commonwealth of Kentucky pursuant to KRS Chapter 316. There are different requirements for an embalmers' license and a funeral director's license and are issued separately. An individual may be licensed as only an embalmer or funeral director but could have a license for both.
	Access Restrictions	KRS 61.878 (1)(a) re personal information
	Contents	Series may contain: applicant name and address; funeral establishment name, address, phone, and fax numbers; application(s) for embalmer's and/or funeral director's license; formal education history; proof of continuing education credits; proof of completed apprenticeship, including application, test date, and complaints; correspondence; photograph; open records requests; final orders from Record Series 01081, Complaints and Investigation Folders and from Record Series 05933, Administrative Hearings.
	Retention and Disposition	Retain active licensees permanently in Agency. Transfer inactive licensees to State Records Center for permanent retention.
05932	Courtesy Card File	This series documents courtesy cards issued to licensed out-of-state embalmers or funeral directors. Kentucky must have a reciprocal agreement in place with the state or federal district. Per KRS 316.140, the Board of Embalmers and Funeral Directors may issue an annual courtesy card after application and payment of the fee as prescribed by law. The courtesy card holder is not permitted to open or operate a place of business for the purpose of conducting funerals or embalming bodies or maintain an office in Kentucky.
	Access Restrictions	KRS 61.878 (1) (a) re personal information
	Contents	Series may contain: applicant name, address, social security number, license number; funeral establishment name, address, and license number; copy of out-of-state license; explanation of the need for a Kentucky license; amount of paid fees; application; state verification; proof of fee payment; complaints.
	Retention and Disposition	Retain in Agency and destroy two (2) years from date the courtesy card was issued.
05933	Administrative Hearings	This series documents administrative hearings conducted by the Board of Embalmers and Funeral Directors. Per KRS 316.155, the Board shall before revoking, suspending, or imposing probationary conditions on any license or registration or before issuing a written reprimand or imposing a fine, conduct a hearing in accordance with KRS Chapter 13B. Also an applicant whose application for an apprentice license has been denied may submit a written request for a hearing within thirty (30) days of the mailing of Board's letter of denial. Any Final Order may be appealed to Franklin Circuit Court.
	Access Restrictions	KRS 61.878 (1)(a) re personal information
	Contents	Series may contain: Complaints or violations of KRS Chapter 316 and 201 KAR 15 against an individual; legal documents; correspondence; Requests for a hearing; Final Orders; Appeals to Franklin Circuit Court.
	Retention and Disposition	Retain permanently in Agency.