



Louisiana State Board of Embalmers and Funeral Directors New Orleans, LA

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Boards And Commissions

The executive branch includes over 500 Boards and Commissions. New boards are created every year. Boards and Commissions are sometimes referred to as the “**fourth** branch of government.” Most fall into the following major categories: occupational licensing, policy and advisory, higher education management, regional or local special purpose (levees, ports), marketing and promotion (strawberries, tourism), special clientele programs (deaf, aged), **quasi-judicial** (tax commission), and independent boards that were created to remove them from politics (lottery, casino, public employee ethics, civil service).

The state’s numerous Boards and Commissions have been given responsibility for a great number of programs. Some are purely advisory boards while some are management boards. Still others are quite independent. Some boards make rules and then investigate and decide whether the rules are being properly followed. These quasi-judicial agencies combine legislative, executive, and judicial functions. Several independent corporations or authorities have been created to allow them to operate their programs like businesses, free of some of the restrictions on other state agencies such as having to hire employees through civil service or follow state purchasing laws. The state’s lottery program is operated by such an authority.

RS 37:832

§832. Louisiana State Board of Embalmers and Funeral Directors; appointments; terms of office

A.(1) There is created within the Louisiana Department of Health the Louisiana State Board of Embalmers and Funeral Directors that shall be subject to the provisions of R.S. 36:803.

(2) The board shall consist of nine members to be appointed by the governor, subject to Senate confirmation, as further provided in Subsection B of this Section. All members of the board shall serve at the pleasure of the governor for terms of four years. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

B.(1) The board shall include four licensed embalmers and four licensed funeral directors, all of whom shall have been residents of the state of Louisiana for at least five years and all of whom shall have had experience in their respective professions for at least five years. Eight members shall be appointed as follows:

(a) Two members shall be residents of District A, comprised of the parishes of Orleans, Jefferson, St. Bernard, and Plaquemines.

(b) Two members shall be residents of District B, comprised of the parishes of Vernon, Rapides, Avoyelles, Concordia, Catahoula, LaSalle, Grant, Natchitoches, Sabine, DeSoto, Red River, Winn, Caldwell, Franklin, Tensas, Madison, Richland, Ouachita, Jackson, Bienville, Bossier, Caddo, Webster, Claiborne, Lincoln, Union, Morehouse, West Carroll, and East Carroll.

(c) Two members shall be residents of District C, comprised of the parishes of Beauregard, Allen, Evangeline, St. Landry, St. Martin, Iberia, St. Mary, Lafayette, Acadia, Calcasieu, Jefferson Davis, Cameron, and Vermilion.

(d) Two members shall be residents of District D, comprised of the parishes of Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, St. John the Baptist, St. Charles, Lafourche, Terrebonne, Assumption, Iberville, West Baton Rouge, East Baton Rouge, Livingston, Ascension, and St. James.

(2)(a) The board shall also include one consumer member who shall be selected from the state at large and appointed by the governor. The consumer member of the board shall possess all of the following qualifications:

(i) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

(v) Does not have and has never had a material financial interest in the healthcare profession.

(b) The consumer member shall be a full voting member of the board, except that the consumer member shall not participate in the grading of individual examinations.

C. Each appointment shall be submitted to the Senate for confirmation. Members of the board may serve two consecutive four-year terms. However, at least one year shall elapse between the expiration of a member's second consecutive term and his appointment to a subsequent term. When the governor removes a member and replaces him with another person, the replacement shall serve for the remainder of the removed member's term. Such service shall constitute a four-year term for purposes of this Section.

Acts 1963, No. 12, §1; Acts 1966, No. 19, §1, eff. June 15, 1966 at 10:30 A.M.; Acts 1977, No. 684, §2. Acts 1984, No. 941, §1, eff. July 20, 1984; Acts 1986, No. 782, §1, eff. noon July 11, 1988; Acts 1988, No. 275, §§1, 2, eff. July 1, 1988; Acts 1990, No. 163, §1; Acts 2008, No. 811, §1; Acts 2018, No. 515, §2.

NOTE: See Acts 1984, No. 941, §2.

NOTE: See Acts 1986, No. 782, §2.

NOTE: See Acts 1988, No. 275, §3.

NOTE: See Acts 1990, No. 163, §2.

RS 37:839

§839. Quorum

Four members of the board shall constitute a quorum for the transaction of all its business and the performance of all its duties.

Amended by Acts 1966, No. 19, §1, eff. June 15, 1966 at 10:30 A.M. Acts 1986, No. 782, §1, eff. noon, July 11, 1988; Acts 1988, No. 275, §1, eff. July 1, 1988.

{{NOTE: SEE ACTS 1986, NO. 782, §2.}}

RS 37:840

§840. Powers and duties of the board; rules and regulations

A. The board shall have all the powers necessary for administering and enforcing the provisions of this Chapter. Such powers shall include, but not be limited to,

(1) Making reasonable rules and regulations for the administration and enforcement of the provisions of this chapter.

(2) Conducting examinations as often as found necessary, according to reasonable standards adopted by the board under the authority and requirements of this Chapter, for applicants desiring to practice the science of embalming or the profession of funeral directing or both, and the issuance of licenses to those found to be qualified and eligible therefor.

(3) Prescribing requirements, in accordance with the provisions and intent of this Chapter, for funeral homes and other establishments engaged in the care and disposition of dead human bodies, including but not limited to rules relating to personnel, sanitation and disinfection and the making of inspections in connection therewith, and the issuance of licenses to those found to be qualified and eligible therefor.

(4) Holding of such hearings and the making of such investigations as may be found necessary in carrying out the purposes and intent of this Chapter, with the right to subpoena licensees, their records, books and accounts and others from whom information is needed, and to administer oaths and issue commissions to take depositions of witnesses, within and outside the state. Oaths may be administered and subpoenas issued by any member of the board in connection with such hearings and investigations.

(5) The appointment of an attorney at law to represent it in all matters and fixing his compensation and defining his duties.

(6) The adoption of a common seal.

(7) Authorizing and regulating branch establishments.

B. It shall be the duty of the board to:

(1) Meet at least once a year or oftener if necessary for the proper and efficient performance of its functions.

(2) Conduct examinations of applicants for licenses to practice embalming or funeral directing as often as necessary to prevent unreasonable delay in passing on applications, and make prompt investigations and decisions on applications for licenses to operate funeral homes; and to promptly issue licenses to all persons and establishments found qualified and eligible therefor.

(3) Employ an investigator and promptly dispose of any valid complaints or any reported violations of the provisions of this Chapter, and dispatch, without undue delay, any other matters or business coming properly within the scope of its authority.

Amended by Acts 1958, No. 28, §1; Acts 1963, No. 12, §1; Acts 1966, No. 19, §1, eff. June 15, 1966 at 10:30 A.M., Acts 1974, No. 3, §1.