

The Important Role of the Appointed Manager of a Funeral Establishment (Published October 7, 2020)

In addition to adding a process to seek a waiver of the one manager to one funeral establishment requirement, [2020 Public Act 138](#), made effective on October 6, 2020, codifies the Department of Licensing and Regulatory Affairs' (LARA) longstanding interpretation that the manager of a funeral establishment, designated by the establishment consistent with existing Mortuary Science Rule 339.18937, is responsible for ensuring the establishment's compliance with all applicable laws and is, thus, responsible for any violations of the law perpetrated by any of the establishment's employees or agents. The new public act amends section 1809(1) of the Occupational Code, MCL 339.1809(1), to explicitly state, in part:

- (a) A funeral establishment shall be managed by an individual who is the holder of a license for the practice of mortuary science. **The manager shall ensure that the funeral establishment complies with all applicable laws** [emphasis added].
- (b) A funeral establishment shall notify the department in writing of the name of the individual appointed as the manager of the funeral establishment and conspicuously display the name of the manager at the entrance of the funeral establishment . . .
- (e) If a new manager is appointed for a funeral establishment, the funeral establishment shall notify the department in writing of the name of the new manager not more than 30 day after the date of his or her appointment.

Mortuary science licensees must understand and be willing to accept the responsibility that comes with being appointed as the manager of a funeral establishment before agreeing to serve in that capacity. Licensees are strongly discouraged from providing a name and license number to LARA indicating that an individual will serve in that capacity on behalf of a funeral establishment if the appointed individual lacks the managerial authority or experience to ensure the establishment's compliance with all applicable laws. LARA recently prosecuted a series of complaints involving managers who were frequently absent from their duties and responsibilities but who allowed other funeral establishment employees, licensed or not, to use their name and license number to engage in the practice of mortuary science.

Appointed managers who no longer want this responsibility should submit a written request to remove their appointment as manager for a funeral establishment to the LARA's Corporations, Securities & Commercial Licensing Bureau. We recommend that such requests be submitted by e-mail at CSCOnline@michigan.gov.¹ The funeral establishment will have to appoint a new manager to be in compliance with the act or risk disciplinary action if the establishment continues to operate without an appointed manager.

¹ While these requests can also be submitted by standard U.S. mail to Corporations, Securities & Commercial Licensing Bureau, Licensing Division, P.O. Box 30018, Lansing, MI 48909 or by facsimile at 517-241-6653, due to limited in-office staffing, this will greatly slow down the time within which such requests will be processed.