

Illinois Funeral Directors Association

CODE OF PROFESSIONAL CONDUCT

In the United States, the direction of funerals and the disposition of human remains are entrusted to a specialized group: funeral directors.

In this context, the term funeral director includes funeral directors, embalmers, and all members of the Illinois Funeral Directors Association.

The funeral director serves the families who call him or her during one of the most trying periods that human beings experience. He or she is called to serve because the bereaved family lacks the knowledge, understanding and resources necessary for the disposition of the deceased and the many associated responsibilities. These services require specialized knowledge in the mortuary arts and sciences. Moreover, in his or her ministrations to the bereaved, the funeral director must be sympathetic and have a true understanding of the grief psychology and the mourning processes.

It is the responsibility of the funeral director to counsel the bereaved family and to conduct himself or herself in a manner that puts the family's interest above his or her own and, at the same time, conforms to their wishes. The manner in which each funeral director approaches this task determines not only his or her own success, but the esteem with which the public regards this profession.

Ethics is the science of rectitude and duty. Its subject is morality and its sphere is virtuous conduct. It treats the various aspects of rights and obligations. In essence, ethics is a set of principles that governs conduct for the purpose of establishing harmony in all human relationships. For practical purposes, ethics is fair play.

In the absence of a specific set of rules by which we are governed or through which we learn to govern ourselves in relations with others, we are dependent upon traditional customs and practices as rules of conduct. This Code, therefore, is intended to provide some desirable uniform rules of conduct by which all funeral directors shall be guided in the practice of their profession. No code or manual can specify all the duties of the funeral director in every circumstance that confronts him or her.

The Association prides itself on being identified as composed of individuals and businesses that are committed to providing dependable and quality service to its customers. As funeral directors, we acknowledge our individual and collective obligations to the public and our mutual responsibilities for the proper welfare of the funeral service profession. The IFDA Code of Professional Conduct is designed to address the obligations of the funeral profession in the following areas:

- To the Public
- To the Families We Serve
- For the Care of the Decedent
- To the Profession
- To the Association

Ethical Principles are goals for the funeral profession and its members. The Code of Professional Conduct is binding upon Association members and violations could lead to disciplinary action according to the Constitution. It is the duty of each firm and individual member to know and adhere to the requirements of this Code of Professional Conduct.

Section 1. **Obligations to the Public**

Principal: Members have an obligation to the public to offer services and merchandise, to operate in a fair and honest manner, to abide by the laws, rules and regulations in place, and to conduct themselves in a professional manner.

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- (a) Members shall comply with all health laws and regulations.
- (b) Members shall cooperate with all groups and support all measures that promote the health of the public, including organ and tissue donation issues, appropriate autopsy requests, blood or platelet requests and like issues.
- (c) Members shall not engage in unprofessional conduct which would likely defraud or deceive the public.
- (d) Members shall not engage in false or misleading advertising.
- (e) Members shall not pay or offer to pay a commission or anything of value to third parties to secure deceased human remains for funeral or disposition services.
- (f) Members shall not employ, retain or otherwise engage agents or employees to solicit funeral practice or clientele at the time of death or when death is imminent; provided, however, that general advertising to the public at large would not constitute a violation of this Code.
- (g) Members shall not use alcohol or drugs which impacts the ability to carry out their obligation.

Section 2. **Obligations to the Families We Serve**

Principle: Members have an obligation to serve each family or customer in a professional manner, respecting their wishes and confidences, and being honest and fair in all dealings with them.

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- (a) Members shall treat all deceased persons with proper care and dignity.
- (b) Members shall provide service to families or customers without regard to religion, race, color, national origin, gender, sexual orientation or disability.
- (c) Members shall comply with all applicable federal, state and local laws, rules and regulations relating to the sale, payment or financing of services or merchandise.

- (d) Members shall give judicious counsel to families and customers they serve.
- (e) Members shall protect confidential information.
- (f) Members shall carry out all aspects of service in a competent and respectful manner.
- (g) Members shall fulfill written and verbal agreements and contracts in every detail.
- (h) Members shall properly account for and remit all monies, documents, or personal property that comes into the member's possession.
- (i) Members shall provide honest, factual and complete information regarding all aspects of the services offered or provided.
- (j) Members shall not engage in unprofessional conduct likely to deceive, defraud or harm the families or customers they serve.
- (k) Members shall release deceased persons to the custody of the person or entity holding the legal right without requiring payment prior to the release.
- (l) Members shall not use any merchandise previously used or sold without receiving prior permission of the person selecting or paying for the merchandise.
- (m) Members shall support the wishes of families who choose to authorize organ and tissue donation or body donation. This support includes informing the families of the procedures, typical timing and any associated costs for these services.
- (n) Members shall be knowledgeable and considerate of the religious practices of each family served and shall adjust his or her services to conform with their beliefs.
- (o) Members shall not use public office, including the office of the Coroner, in the furtherance of his or her financial interests when such use subverts a family's free choice or unduly influences their judgment in the selection of a funeral director.

Section 3. Obligations for the Care of the Decedent

Principle: Members have an obligation to treat all deceased persons with proper care and dignity.

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- (a) Members shall treat all deceased persons with proper care and dignity at all times.
- (b) Members shall allow only authorized personnel or those persons authorized by the family to be in attendance during the preparation of the remains.
- (c) Members shall only allow licensed funeral directors and embalmers and licensed interns to embalm human remains.

- (d) Members shall keep all deceased persons in the preparation room covered at all times.
- (e) Members shall not transport, hold or carry out the disposition of human remains without all required permits and authorizations.
- (f) Members shall not violate any statute, ordinance, rule or regulation affecting the handling, custody, care or transportation of human remains.
- (g) Members shall not knowingly dispose of parts of human remains that are received with the body in a manner different from that used for the final disposition of the body, unless proper authorization is received.

Section 4. Obligations to the Profession

Principle: Members have an obligation to the funeral profession to support high standards, proper oversight and fair competition.

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- (a) Members shall support high educational standards.
- (b) Members shall comply with federal, state and local laws, rules and regulations governing or impacting the profession.
- (c) Members shall support and encourage the research and development of processes and practices to improve and advance funeral service.
- (d) Members shall adhere to sound business practices.
- (e) Members shall be fair in dealing with colleagues and competitors.
- (f) Members shall maintain favorable personnel relations.
- (g) Members shall not willfully entice the employees of another funeral director with the purpose of unduly hampering, injuring or prejudicing him or her in the practice of funeral directing.
- (h) Members shall not aid or abet an unlicensed person in representing himself or herself as a licensed funeral director and embalmer or funeral director or to engage in practices reserved to the holders of such licenses.

Section 5. Obligations to the Association

Principle: Members have an obligation to promote and support the Illinois Funeral Directors Association in its mission and to uphold the purposes and objectives for which it was formed.

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- (a) Members shall comply with the constitution, policies, rules, requirements and procedures of the Association.
- (b) Members shall conduct themselves in a proper and appropriate manner while attending or participating in Association sponsored events.
- (c) Members shall conduct themselves in a proper and appropriate manner in all communications with Association personnel.
- (d) Members shall honestly complete forms and applications.
- (e) Members shall be honest, fair and show respect to other members.

CODE OF PROFESSIONAL CONDUCT ENFORCEMENT PROCEDURES

1. Ethical Practice Committee.

The Ethical Practice Committee (“Committee”) has been established to provide guidelines on ethics in the funeral profession, to provide advice and consultation on specific issues and to help resolve conflicts that are brought before the Illinois Funeral Directors Association (“Association”).

- (a) The Committee shall be made up of at least one member from each of the six regions of the state. Each member shall serve a three year term with the possibility of reappointment of an additional term. Members should serve staggered terms so that there are experienced members in place at all times. The Chairman of the Committee (“Chairman”) shall be a member of the Board of Directors (“Board”) of the Association.
- (b) All Committee members shall go through an orientation, either in person or via written materials, at the beginning of their term.
- (c) All Committee members shall sign confidentiality agreements.
- (d) A committee member who may have a conflict of interest on an issue must recuse themselves from reviewing a case or incident. A conflict of interest is present if the Committee member is a competitor or relative of the Respondent. A Committee member should use his or her best judgment on issues involving a person or firm with whom they have a previous or existing relationship.
- (e) A member of the Illinois Funeral Director and Embalmers Licensing and Disciplinary Board shall not be a member of the Committee, but may be invited to sit in an advisory role.
- (f) Only licensed funeral directors and embalmers who are members of the Association in good standing and have more than ten (10) years experience may serve on the Committee.
- (g) The Committee may bring a complaint against any member of the Association.

2. Filing a Complaint.

Any individual, business or entity may file a complaint or seek resolution of an issue with the Association. The complaint or request shall be in writing and shall be signed by the Complainant before the Committee responds to the complaint or takes any action, unless otherwise provided by the Constitution. A copy of the complaint will be sent to the funeral home or funeral director that is the subject of the complaint ("Respondent"). In this context, the term complaint includes all requests for action addressed to the Association.

3. Review Process. Upon receipt of a complaint, the following process will take place.

(a) The Association shall send a letter of acknowledgement to the Complainant. A copy of the Enforcement Procedures shall be included with the letter.

(b) The Association shall send a certified letter, along with a copy of the complaint, to the Respondent, requesting a response within ten (10) business days. A copy of the Enforcement Procedures shall be included with the letter.

(c) The Association shall send a copy of the complaint and both letters to the Chairman.

(d) The Chairman shall review the complaint and the response.

(e) The Chairman may investigate further, if necessary.

(f) The Chairman shall take one of the following actions.

- (i) Dismiss the complaint.
- (ii) Render a decision.
- (iii) Offer to mediate and resolve the complaint.
- (iv) Refer the complaint to the Committee.

(g) The Association shall send a copy of the decision to both the Complainant and the Respondent, if applicable.

4. Actions by the Chairman.

(a) The Chairman shall :

- (i) Act on complaints that are in writing and signed by the Complainant.
- (ii) Acknowledge the complaint with the Complainant.
- (iii) Send a copy of the complaint to the Respondent.
- (iv) Request the Respondent respond to the complaint within ten (10) business days.
- (v) Send a copy of the Enforcement Procedures to both the Complainant and the Respondent.
- (vi) Review the complaint and the response.
- (vii) Investigate further, if necessary.
- (viii) Communicate a decision to the Complainant and to the Respondent.
- (ix) Refer any complaint that is clearly a violation of existing law to an appropriate legal or regulatory authority.

(b) The Chairman may:

- (i) Share the complaint with the members of the Committee for their input.

- (ii) Dismiss the complaint.
- (iii) Mediate the complaint.
- (iv) Resolve the complaint.
- (v) Not act on any complaint that has been referred to a legal or regulatory authority for investigation or prosecution.
- (vi) Refer the complaint to a Hearing Panel. .
- (vii) Recommend to the Board that the Respondent be reprimanded.
- (viii) Recommend to the Board that the membership of the Respondent be placed on probation, suspended or terminated.

5. Hearing Panel.

The Chairman shall select three (3) members of the Committee in addition to himself or herself to hear and respond to the Complaint.

6. Hearing Process.

(a) The Respondent shall be notified in writing of the charges against him or her, and the time and place of the hearing. The Chairman may conduct the hearing in person, by telephone conference or by other electronic means.

(b) The notice should be sent by certified mail at least thirty (30) days prior to the hearing.

(c) The notice shall state the Respondent has the right at his or her own expense, to be represented by counsel, to have witnesses testify, and to offer both written and oral testimony.

(d) Within ten (10) days after receiving the notice of the hearing, the Respondent shall notify the Committee at the Association office of the following:

- (i) Whether Respondent will appear in person or participate.
- (ii) Whether Respondent will be accompanied by counsel.
- (iii) Whether Respondent will present any witnesses.
- (iv) Whether Respondent will present any documentary evidence.

(e) No person will be permitted to appear on behalf of the Respondent without the consent of the Chairman.

(f) Counsel or witnesses for the Respondent may only appear at the hearing if the Respondent is also present.

(g) The hearing shall be recorded with a transcript made available to each party, at that party's expense.

(h) The Committee shall document its actions.

(i) The Committee shall share the results with the Board.

(j) The Committee shall make a recommendation to the Board on the membership of the Respondent.

7. Board Action. The Board will:

- (a) Address the recommendation of the Committee.
- (b) Not allow new evidence to be introduced before the Board.
- (c) Allow the Respondent or his counsel to make an oral statement before the Board.
- (d) Review the evidence presented and make a determination on the membership of the Respondent.

8. Discipline.

It is the intent of these policies and procedures to provide a range of disciplinary procedures to be as broad and as flexible as possible so that measures can be employed to remedy and redress the violation that has been committed. All rulings by the Board are final. The Board may issue one or more of the following measures:

- (a) Reprimand. A Reprimand may be issued against a member. The Board may direct the reprimand to be private or public.
- (b) Probation. A ruling of Probation may be issued against a member. For a specified time, the Respondent's use of or participation in member benefits may be subject to the satisfaction of certain conditions. Any conditions shall be described specifically, as shall the consequences of failing to meet them. The Board may direct the Probation to be private or public.
- (c) Suspension. A ruling of Suspension may be issued against a member. For a specified time or until conditions are satisfied, the Respondent's use of or participation in certain member benefits shall be prohibited. Any conditions imposed shall be described specifically and that, if satisfied, will result in the lifting of a suspension.
- (d) Termination. A ruling of Termination may be issued against a member. Upon termination, the Respondent's use of all member benefits permanently ends.

Approved by the IFDA Board of Directors March 28, 2008.