April 14, 2020

DAL: BFD 20-03
Subject: Executive Order 202.15 COVID-19 Guidance for Funeral Directors

Dear Funeral Director:

In response to the COVID-19 public health emergency, the New York State Department of Health (Department) Bureau of Funeral Directing is distributing the following guidance. As you may know, Executive Order (EO) 202.15, issued on April 9, 2020, authorizes the Commissioner of Health (Commissioner) to:

- Permit funeral directors licensed and in good standing in any state or territory of the United States to practice as a funeral director in New York State upon the approval of, and pursuant to such conditions as may be imposed by, the Commissioner, without civil or criminal penalty related to lack of licensure in New York State, provided that such funeral director shall practice under the supervision of a funeral director licensed and registered in New York State.

EO 202.15 further:

- Permits a funeral director licensed in New York State, but not registered in New York State, to practice in New York State upon the approval of, and pursuant to such conditions as may be imposed by, the Commissioner, without civil or criminal penalty related to lack of registration in New York State, provided that such funeral director shall practice under the supervision of a funeral director licensed and registered in New York State.

Additionally, EO 202.15 authorizes the Commissioner to deputize persons to act as agents of a funeral director or undertaker to be present and personally supervise and arrange for removal or transfer of each deceased human body. A deputized agent of a funeral director (DAFD) must be:

- A mortuary science student, currently registered as such with the Department;
- A funeral home employee who is also a trained health care worker, firefighter or emergency medical technician (EMT); or
- Any other regular employee of the funeral home who is duly trained and compliant with all OSHA regulations.
All out of state funeral directors (OOSFDs); unregistered (passive and inactive) but licensed funeral directors (PAILFD); and DAFDs must:
- Provide an executed letter on the letterhead of the funeral firm where a New York State duly licensed and registered supervising funeral director is employed, that is substantially similar to the template letter attached herein. Letters that are not substantially similar will be deemed invalid.
- Produce such letters when requested for inspection. Such letters may be in electronic form on a portable device, or any other method that can easily displayed.

Persons under the supervision of the supervising funeral director pursuant to the Executive Order 202.15 may act as a volunteer or an employee.

As new guidance and information becomes available the most current information will be posted on the Department’s Novel Coronavirus website at: https://www.health.ny.gov/diseases/communicable/coronavirus/.

If you have any questions, please contact the Bureau of Funeral Directing by telephone at 518-402-0785 or by email at funeral@health.ny.gov.

Sincerely,

Thomas W. Fuller, Director
Bureau of Funeral Directing
[Insert Date]

Re: Executive Order 202.15: Funeral Director Supervising Letter for Deputized Agent
Authorizing Agent: [Insert Name of Supervising Authorizing Agent]
Deputized Agent: [Insert Name of Deputized Agent]

To Whom It May Concern:

The above-mentioned deputized agent of my firm shall be under the direct supervision of [Insert Name of Supervising Authorizing Agent] and we both agree to the following:

- The individual meets the requirements of Executive Order 202.15;
- The individual’s duties are limited to the following:
  - To make transfers of bodies; and
  - To sign out bodies;
  - To oversee final disposition.
- The individual is aware that they may not:
  - Conduct services;
  - Embalm bodies;
  - Make funeral arrangements;
  - Sign arrangement forms or death certificates; or
  - Sell funeral merchandise.
- The individual has verified that:
  - They are currently able to work in New York State and will not willfully violate any of the laws in New York State associated with the activities they are asked to perform pursuant to Executive Order 202.15.

THIS LETTER CEASES TO BE VALID UPON THE GOVERNOR’S DECLARATION THAT THE STATE OF EMERGENCY IS OVER.

______________________________________________  ____________________________________________
Signature of the Individual                        Signature of the Supervising Funeral Director

______________________________________________  ____________________________________________
Print Name                                         Print Name
[NY DOH FORM LETTER FOR OUT-OF-STATE OR UNREGISTERED, BUT LICENSED
FUNERAL DIRECTORS – INSERT FUNERAL FIRM LETTERHEAD OF SUPERVISING
FUNERAL DIRECTOR]

[Insert Date]

Re: Executive Order 202.15: Funeral Director Supervising Letter for Out-of-State or Unregistered, but Licensed Funeral Directors
Supervising Agent: [Insert Name of Supervising Funeral Director]
Supervised Agent: [Insert Name of Out-of-State/Unregistered Funeral Director]
Supervised License Number: [Insert License of Out-of-State or Passive/Inactive License]

To Whom it May Concern:

The above-mentioned supervised funeral director shall be under the direct supervision of [Insert Name of Supervising Funeral Director] and we both agree to the following:

- The individual meets the requirements of Executive Order 202.15;
- The individual is validly licensed pursuant to the above license number;
- The individual’s duties are limited to the following:
  - To make transfers of bodies;
  - To sign out bodies;
  - To conduct services;
  - To oversee final disposition; and
  - To embalm bodies.
- The individual is aware that they may not:
  - Make funeral arrangements;
  - Sign arrangement forms or death certificates; or
  - Sell funeral merchandise.
- The individual has verified that:
  - They are currently able to work in New York State and will not willfully violate any of the laws in New York State associated with the activities they are asked to perform pursuant to Executive Order 202.15.

THIS LETTER CEASES TO BE VALID UPON THE GOVERNOR’S DECLARATION THAT THE STATE OF EMERGENCY IS OVER.

______________________________________________  ________________________________________________
Signature of the Individual                          Signature of the Supervising Funeral Director

______________________________________________  ________________________________________________
Print Name                                          Print Name