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Report of Recommendations and Findings

By the Crematory Operators Technical Review Committee

To the Nebraska State Board of Health, the Director of the Division of Public Health, Department of Health and Human Services, and the Members of the Health and Human Services Committee of the Legislature

November 10, 2026

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Part One: Preliminary Information

The Credentialing Review Program is a review process advisory to the Legislature designed to assess the need for state regulation of health professionals. The Nebraska Regulation of Health Professionals Act requires that a health profession may only be regulated when specific criteria are met.

The law directs those health occupations and professions seeking credentialing or a change in scope of practice to submit an application for review to the Department of Health and Human Services, Division of Public Health (DHHS). The Director of this Division will then appoint a technical review committee (TRC) to review the application and make recommendations regarding whether the application in question should be approved based on the criteria specified in Neb. Rev. Stat. § 71-6221. These criteria focus the attention of committee members on public health, safety, and welfare.

The recommendations of technical review committees take the form of written reports that are submitted with any other materials requested by the committee to the State Board of Health and the Director of the Division of Public Health. The State Board of Health and Director formulate their own independent reports on credentialing proposals. All reports that are generated are then submitted to the Legislature to assist state senators in their review of proposed legislation pertinent to the credentialing of health care professions.

Members of the Crematory Operators Technical Review Committee:

- Mark Bertch, DPT (Chair)
- Gary Anthone, MD
- David Deemer, LNHA
- Jeffrey Howorth
- Peter Hunt, PA-C
- Kyle McCartney, PharmD
- Michael J. O'Hara, J.D., Ph.D.

Part Two: Summary of Committee Recommendations

The technical review committee recommended approval of the applicant's proposal by a vote of three in favor with one abstention. Three members of the technical review committee were absent.

Part Three: Summary of the Applicant's Proposal

The Vital Statistics Act, Neb. Rev. Stat. §§ 71-601 to 71-649, and the Cremation of Human Remains Act, Neb. Rev. Stat. §§ 71-1355 to 71-1385, establish requirements related to the handling, preparation, and final disposition of human remains, including cremation, but does not set forth any credentialing requirements for individuals conducting cremations (crematory operators).

The Cremation of Human Remains Act allows any individual to conduct cremations as long as they have the authorization of the crematory authority. This existing act places no requirements on the individuals operating the cremator or provide a mechanism for oversight over those individuals.

This concerns the applicant group because the performance of cremation, the final and irreversible act of disposition, may be carried out by unqualified individuals who are not subject to regulatory accountability in the state of Nebraska.

To remedy this, the applicant group proposed to establish a Crematory Operator Certification, which would be administered by the Nebraska Department of Health and Human Services. This credential would be required for individuals performing cremation and its requirements would include:

- Completion of an approved crematory operator training program;
- Passage of a competency examination;
- Continued compliance with standardized procedures related to identification of remains, chain of custody, equipment operation, and crematory inspection; and
- Renewal of certification every five years.

The proposed credential would define the role of crematory operator and would create oversight and accountability for individuals acting in that role.

The full text of the applicant's proposal can be found under the Crematory Operators tab of the Credentialing Review program link at: https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx

Part Four: Discussion on issues by the Committee Members

Applicant Comments
Paul Seger, licensed funeral director, presented the applicant group's proposal accompanied by Jamie Dolan, also a licensed funeral director. They began by providing some background.

Most crematories in Nebraska operate within or alongside funeral establishments. Funeral establishments are run by funeral directors, who are licensed by the state and under the authority of the Board of Funeral Directing and Embalming. Some crematories operate independently from any funeral establishments and are not run by funeral directors. These facilities require only a facility license to operate, so the individuals operating the cremator are not subject to discipline.

Cremators can be owned and operated by unlicensed individuals under current law and there are minimal restrictions on crematory operation. Those restrictions include:

- Crematories must register with the state when they are built.
- Crematories must obtain an air construction permit from the Department of Water, Energy, and Environment and renew it every year.
- In order to cremate a person, the facility first has to obtain three documents: the family's cremation authorization, a death certificate signed by a doctor, and a permit from the county.
- Crematories are required to use a cremation log and numbering system of some kind.

The applicant group believes the current statutes, which were written before the recent rise in cremation's popularity, are not sufficient to govern the industry as it is now. They stated that 50-55% or more of people are now being cremated after they pass and it is important to have standards and regulations in place to protect the public given the current size of the industry.

The applicant group proposed the credentialing of crematory operators, a public registry of individuals performing cremations, and a requirement that cremations may only be performed by credentialed individuals to address these concerns. The proposed requirements for credentialing were:

- Earning a high school diploma or equivalent;
- Completing a state-approved crematory operator training course;
- Completing refresher training at the time of certification renewal; and
- Passing a jurisprudence exam.

Once credentialed, the proposed requirements for maintaining that credential were:

- Complying with Nebraska laws, safety requirements, and professional ethical standards similar to those funeral directors are subject to;
- Being subject to individual oversight and disciplinary action;
- Complying with new universal chain-of-custody procedures and documentation;
- Maintaining safe operation and inspection of cremation equipment; and
- Keeping accurate records and cremation logs.

These proposed requirements for credentialing would require the development and adoption of new statutes before they could be implemented.

The applicant group also stated that they want crematories and crematory operators to be overseen by the Board of Funeral Directing and Embalming specifically rather than by DHHS as a whole. The applicant group believes this smaller, more specialized board is better suited to provide appropriate oversight. The applicant group stated that placing crematory operators and crematories under the Uniform Credentialing Act, Neb. Rev. Stat. §§ 38-101 to 38-1,148, and the authority of the Board of Funeral Directing and Embalming would allow the DHHS to best review, investigate, and discipline them, up to and including revoking their credential if necessary. It would also allow crematory operators to be added to the existing DHHS License Information System, allowing members of the public to look up credential holders.

The applicant group stated that they believe the implementation of their proposal would strengthen public confidence in Nebraska's death-care profession, especially since the changes would be proactive instead of reactive. They also stated that their proposed changes would further benefit the public by:

- Establishing consistent minimum training and competency standards,
- Improving safe operation and maintenance of cremation equipment,
- Promoting consistent practices across funeral establishment crematories and standalone facilities, and
- Requiring crematory operators to maintain up-to-date education through the refresher training required for certification renewal.

Regarding potential issues, the applicant group mentioned that there would be a cost for a crematory inspector, the licensure unit of DHHS would have an increased workload, and there would be a cost to crematory operators for recertification and continuing education.

However, the applicant group stated that the department could use revenue from the credentialing of crematory operators to pay the inspector's salary. They also mentioned that there are only 33 crematories in the state and that they are open to the four-year renewal cycle that the licensure department suggested to effectively allocate capacity. The applicant group also stated that the course required for the credential would cost $600 and only need to be taken every four years. The applicant group did not consider these to be significant financial burdens to the public, potential crematory operators, or crematories.

The applicant group also gave a presentation arguing the proposal met each of the four criteria the technical review committee (TRC) was required to vote on:

1. Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.

Crematory operation involves the handling of human remains, the operation of high-temperature equipment, the maintenance of safety and identification records, and the performance of an irreversible form of final disposition. Improperly trained or incompetent operators could cause serious harm by cremating the wrong individual, proceeding without proper authorization, mishandling or combining remains, failing to recognize hazardous implants, or operating equipment unsafely.

2. Regulation of the health profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.

The applicant group does not anticipate requiring a credential causing a decrease in the supply of operators. Additionally, the applicant group noted that no more barriers are being created for crematory operators than for funeral directors wanting to operate a crematory.

The applicant group would like to require crematory operators to pass a jurisprudence exam at the time of recertification. This exam would be very similar to the funeral directors' jurisprudence exam that is currently administered by DHHS. The applicant group stated that because of this, it would not cost the taxpayer much more for DHHS to administer the proposed crematory operators' jurisprudence exam. DHHS legal verified with the program that there would be no significant increase in cost to the department.

3. The public needs assurance from the State of initial and continuing professional development.

Through the required education, jurisprudence exam, and renewal requirements, the public could be assured that crematory operators practicing in Nebraska are competent. Additionally, the applicant group stated they want a record of credentialed crematory operators in the state, which they feel should be available to the public.

4. The public cannot be protected by a more effective alternative.

The applicant group felt that placing crematory operators under the authority of the Board of Funeral Directing and Embalming, which already oversees funeral directors and funeral establishments, would be the simplest and most effective way of regulating crematory operators. The applicant group also stated that they had considered alternative options and felt this was the best way to proceed as it adds the necessary oversight while allowing crematories that are not operated by funeral directors to stay in business. This option would also hold all operators, funeral directors or not, to the same standard.

The proposal was supported by the majority of active funeral directors in the state of Nebraska.

Questions for the Applicant Group from the Committee

The TRC asked if something had occurred at the crematories not run by licensed funeral directors that motivated the applicant group to pursue this credential. The applicant group clarified that they were being proactive. Nothing had happened in Nebraska, but unacceptable conduct had occurred in neighboring states, and it seemed important to the applicant group that there be some way for the state to regulate crematory operators before the need arises.

The TRC asked who offers the course required for the proposed credential. The applicant group proposed that courses provided by the Cremation Association of North America (CANA), the International Cemetery, Cremation & Funeral Association (ICCFA), and the National Funeral Director's Association (NFDA) could be used to meet the education and continuing education requirements because they are nationally recognized. The TRC asked if the differences between cremator models would be an issue during education. The applicant group stated that while the cremators from different manufacturers look different, they are fundamentally the same, similar to different makes and models of cars.

The TRC asked about the current state of funeral establishment inspections. The applicant group explained that inspections were occurring before the Covid pandemic, but since then, DHHS has relied on self-inspection. The applicant group stated that they would like to see the end of self-inspections for funeral establishments and an inspection requirement for crematories. They also stated that they believe they aren't making an overly burdensome request, rather just asking for what they believe would inspire public confidence. The TRC agreed that the lack of oversight in crematories is surprising.

The TRC asked the applicant group if the certified crematory operator would be responsible for the crematory in the event of a failed inspection. Would all crematory operators be responsible directly to the public or would the applicant group propose a structure of supervision? The applicant group would like to see a specific manager in each crematory that can be held responsible for the operation of the crematory facility but would like all operators to be credentialed.

The TRC asked why the applicant group didn't want to just require crematories to be run by licensed funeral directors. The applicant group felt that proposal may cause standalone facilities to close due to the funeral director shortage and the potential financial burden of hiring a funeral director for such a facility.

The TRC noted that there is no crematory board and suggested that the applicant group advocate for the institution of one or have crematories overseen by the Board of Funeral Directing and Embalming. The applicant group stated that they'd prefer to have certified crematory operators under the oversight of the existing Board of Funeral Directing and Embalming. The TRC asked if the board would include a crematory operator if this change came to fruition. The applicant group was amenable to the idea, but stated that many, if not most funeral directors on the board conduct cremations already. The TRC mentioned the board could also be required to have a public member with certain relevant experience.

The TRC asked what specific dangers the unregulated practice of cremation poses to the health, safety, or welfare of the public. The applicant group responded that the emotional welfare of the public is at risk in the instance proper identification protocols are not followed. The public wants to

receive the correct remains. Environmental and safety concerns were also mentioned with regard to proper practice. Cremation equipment is large, complicated, and operates at high temperatures. In addition, human remains need to be handled properly to avoid mutilation of the corpse and transmission of disease.

The TRC asked if requiring the credentialing of crematory operators might cause some crematories in the state to close. The applicant group did not anticipate this and neither did the crematory owners that were consulted in their application process.

The TRC asked how the applicant group thought a new credential would prevent misconduct in crematories. The applicant group responded that operators would be required to complete courses, which they anticipated would decrease unintentional complications. Also, oversight from the Board of Funeral Directing and Embalming and a new licensure requirement for crematory operators would provide the state with an avenue to discipline crematory operators for misconduct. The applicant group also wanted their proposed statutory change to be incorporated into Uniform Credentialing Act, which would allow crematory operators to be regulated in the same manner as other health professions.

The TRC mentioned that one of the barriers to administering jurisprudence exams is often the cost of doing so. They asked who the applicant group proposed should administer the crematory operators' jurisprudence exam. The applicant group responded that the funeral directors' jurisprudence exam is administered fully online by DHHS. They did not foresee a significant increase in financial burden to Nebraska taxpayers because of the similarity and overlap between the funeral directors' jurisprudence exam and what would be on the proposed crematory operators' jurisprudence exam.

The TRC asked what specifically the applicant group proposed to require for crematory operation. Would only a manager need to be licensed and pass an exam or would each individual operating the machine need to do the same? The applicant group stated that their initial proposal is to require facilities to have a licensed manager who has passed the jurisprudence exam in order to perform cremations. The TRC stated that they felt each individual operating the cremator should be credentialed. Though the applicant group strongly agreed, they did not want their initial regulations to be too restrictive. They stated that they remained open to input on the matter. The TRC suggested that non-manager operators might only be required to take the course and exam once. The applicant group stated that there may be other ways to distribute continuing education materials to non-manager employees as well.

The TRC asked if, given the amount of overlap between the funeral directors' jurisprudence exam and the proposed crematory operators' jurisprudence exam, if funeral directors running crematories would be required to take both exams. The applicant group responded that they felt it would be a waste of time and state money to require those funeral directors to take two jurisprudence exams.

Comments from Other Interested Parties
The applicant group had multiple letters of support.

At the public hearing there were no proponents, opponents, or neutral testifiers. Though, the applicant group mentioned that two proponents wanted to attend but were prevented by work-related responsibilities.

Additional Information
The applicant group reached out to funeral directors and crematories to solicit feedback on their intention to pursue this crematory operator credentialing review. The applicant group was largely met with support and mentioned encountering occasional surprise that operators are not already required to be licensed by the state.

All sources used to create Part Four of this report can be found on the Credentialing Review program link at:

- https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx

Part Five: Formulation of Recommendations on the Applicant's Proposal

Committee action on the Four Statutory Criteria as they pertain to this proposal.

Criterion one: Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.

Dr. Bertch moved that the committee find this criterion met.

Discussion on Criterion #1:

There was no discussion on this criterion.

Mark Bertch, DPT (Chair)	ABSTAINED
Gary Anthone, MD	YES
Peter Hunt, PA-C	NOT PRESENT
David Deemer, LNHA	NOT PRESENT
Kyle McCartney, PharmD	YES
Jeffrey Howorth	NOT PRESENT
Michael J. O'Hara, J.D., Ph.D	YES

Criterion two: Regulation of the health profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.

Dr. Bertch moved that the committee find this criterion met.

Discussion on Criterion #2:

There was no discussion on this criterion.

Mark Bertch, DPT (Chair)	ABSTAINED
Gary Anthone, MD	YES
Peter Hunt, PA-C	NOT PRESENT
David Deemer, LNHA	NOT PRESENT
Kyle McCartney, PharmD	YES
Jeffrey Howorth	NOT PRESENT
Michael J. O'Hara, J.D., Ph.D	YES

Criterion three: The public needs assurance from the state of initial and continuing professional ability.

Dr. Bertch moved that the committee find that this criterion met.

Discussion on Criterion #3:

There was no discussion on this criterion.

Mark Bertch, DPT (Chair)	ABSTAINED
Gary Anthone, MD	YES
Peter Hunt, PA-C	NOT PRESENT
David Deemer, LNHA	NOT PRESENT
Kyle McCartney, PharmD	YES
Jeffrey Howorth	NOT PRESENT
Michael J. O'Hara, J.D., Ph.D	YES

Criterion four: The public cannot be protected by a more effective alternative.

Dr. Bertch moved that the committee find this criterion met.

Discussion on Criterion #4:

There was no discussion on this criterion.

Mark Bertch, DPT (Chair)	ABSTAINED
Gary Anthone, MD	YES
Peter Hunt, PA-C	NOT PRESENT
David Deemer, LNHA	NOT PRESENT
Kyle McCartney, PharmD	YES
Jeffrey Howorth	NOT PRESENT
Michael J. O'Hara, J.D., Ph.D	YES

Action taken on the proposal as a whole.

Dr. Bertch moved that this Technical Review Committee support the proposal.

Discussion on proposal as a whole:

There was no discussion on the proposal as a whole.

The Committee members acted the proposal via an up/down roll call vote as follows:

Mark Bertch, DPT (Chair)	ABSTAINED
Gary Anthone, MD	YES
Peter Hunt, PA-C	NOT PRESENT
David Deemer, LNHA	NOT PRESENT
Kyle McCartney, PharmD	YES
Jeffrey Howorth	NOT PRESENT
Michael J. O'Hara, J.D., Ph.D	YES

The result of this roll call vote was three committee members voting to support the proposal. This means that the members of the Crematory Operators Technical Review Committee recommended approval of the Nebraska Funeral Directors Association's proposal.