**Section 1249.330 Professional Standards**

a) "Dishonorable, unethical or unprofessional conduct", as used in Section 25-10(a)(9) of the Act, is defined as follows:

1) In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Division shall consider whether the questioned activities:

A) Violate ethical standards of the profession, including the standards set by Section 10-23 of the Act and Section 1249.330;

B) Caused actual harm to any consumer or member of the public; or

C) Are reasonably likely to cause harm to any consumer or member of the public in the future.

2) Dishonorable, unethical or unprofessional conduct includes, but is not limited to:

A) Disclosing financial or other confidential information regarding the deceased or the person providing for the burial;

B) Discrimination based on race, color, sex, sexual orientation, age, religion, national origin or other characteristics protected by applicable laws. A religious cemetery may restrict its services to those of the same religious faith;

C) Intentionally or recklessly not providing adequate protection in upholding the sanctity of handling and disposition of human remains;

D) Intentionally or recklessly misrepresenting any laws concerning burial or funeral regulations; and

E) Defrauding or deceiving the consumer by misrepresenting goods or services sold.

b) "Professional incompetence", as used in Section 25-10(a)(5) of the Act, is defined as follows:

1) In determining what constitutes professional incompetence, the Division shall consider whether the questioned activities:

A) Violate standards of the profession or rules, regulations or laws governing the cemetery or profession;

B) Caused actual harm to any consumer or member of the public; or

C) Are reasonably likely to cause harm to any consumer or member of the public in the future.

2) Professional incompetence includes, but is not limited to:

A) Negligent failure to keep accurate and complete records, including failure to include all prices of goods/services in the contract or failure to give a receipt for full or partial payment;

B) Negligently misrepresenting rules, regulations or laws governing the cemetery or profession; or

C) Negligently misrepresenting goods or services sold.