

# House Bill 2471

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Mortuary and Cemetery Board)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes qualifications to practice as funeral service practitioner or embalmer in this state, including qualifications related to reciprocity and apprenticeship.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to qualifications to practice a profession related to the final disposition of human remains; creating new provisions; amending ORS 692.045, 692.070, 692.105, 692.130, 692.140, 692.143 and 692.190; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

## LICENSURE AS A FUNERAL SERVICE PRACTITIONER

**SECTION 1.** ORS 692.045 is amended to read:

692.045. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to practice as a funeral service practitioner if the individual meets the following requirements:

(a) The individual must apply to the board for a funeral service [*practitioner's*] **practitioner** license on an application form provided by the board.

(b) The individual must pass an examination [*conducted*] **offered** by the board under ORS 692.070 [*following application*] **after the individual applies** for the funeral service [*practitioner's*] **practitioner** license.

(c) The individual must [*successfully complete*] **have** practical experience as a funeral service [*practitioner's*] **practitioner** apprentice under ORS 692.190.

(2) An individual may not take an examination under ORS 692.070 until the individual has provided written evidence of graduation from an associate degree program meeting the requirements established by board rule.

(3) An applicant meets the requirements of subsection (1)(c) or (2) of this section if the applicant provides the board with documentation of military training or experience that the board determines is substantially equivalent to the education or experience required by subsection (1)(c) or (2) of this section.

(4) Notwithstanding subsection (2) of this section, an applicant [*with*] **who has** four years of experience as a licensed funeral service practitioner or embalmer in this state or in another state [*is not required to provide written evidence of graduation from an associate degree program in order*] **and who is in good standing with the board or with the licensing authority from another state is considered to have met any educational requirement necessary** to take the examina-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

tion under ORS 692.070.

**SECTION 2.** ORS 692.070 is amended to read:

692.070. (1) The State Mortuary and Cemetery Board shall offer an examination [*at least once each year to applicants*] **to individuals applying** for a license to practice as a funeral service practitioner.

(2) **At a minimum**, the examination [*shall include Oregon*] **must test applicants on state and federal laws, rules and regulations relating to the care, preparation, disposition and transportation of dead human bodies and relating** to survivor death benefits.

[*(3) Notice of the time and place of the examination shall be sent to the applicants by mail at least 10 days before the examination.*]

**(3) The board shall make an examination schedule publicly available and shall send an examination schedule to each applicant at least 10 days before each examination. An examination schedule must denote the time and place of each examination.**

**SECTION 3.** The amendments to ORS 692.045 and 692.070 by sections 1 and 2 of this 2015 Act apply to applicants whose applications for licensure as a funeral service practitioner are received by the State Mortuary and Cemetery Board on or after the operative date specified in section 12 of this 2015 Act.

**LICENSURE AS AN EMBALMER**

**SECTION 4.** ORS 692.105 is amended to read:

692.105. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to practice as an embalmer if the individual is 18 years of age or older, applies for a license and [*has successfully met*] **meets** the qualifications described in this section.

(2) An individual must apply for a license by applying to the **State Mortuary and Cemetery Board** on an application form provided by the board.

(3) An individual applying for a license under this section must meet the following requirements:

(a) The individual must [*complete 12 months of*] **have** practical experience as an [*embalmer's*] **embalmer** apprentice as provided in ORS 692.190.

(b) The individual must provide written evidence of graduation from an accredited program of funeral service education **or from a program that provides an equivalent education as identified by the State Mortuary and Cemetery Board by rule.**

(c) The individual must obtain a passing score on the examination [*provided*] **described** in ORS 692.130 or show evidence satisfactory to the **State Mortuary and Cemetery Board** that the individual has successfully passed the National Board Examination as administered by the **International Conference of Funeral Service Examining Boards or its successor organization.**

(d) The individual must [*be knowledgeable in the application of*] **demonstrate knowledge of applicable state law in an examination offered by the State Mortuary and Cemetery Board under ORS 692.070.**

(4) When an individual provides written evidence of graduation from an accredited program of funeral service education, if the individual does not show evidence satisfactory to the State Mortuary and Cemetery Board[, *as provided under subsection (3) of this section,*] that the individual has passed the National Board Examination, the State Mortuary and Cemetery Board may examine the individual as provided in ORS 692.130. [*In any case,*] However, the **State Mortuary and Cemetery Board** may not issue an [*embalmer's*] **embalmer** license until an individual has completed the

1 apprenticeship qualification.

2 (5) An applicant meets the requirements of subsection (3)(a) of this section if the applicant pro-  
 3 vides the State Mortuary and Cemetery Board with documentation of military experience that the  
 4 board determines is substantially equivalent to the experience required by subsection (3)(a) of this  
 5 section.

6 **SECTION 5.** ORS 692.130 is amended to read:

7 692.130. (1) The State Mortuary and Cemetery Board shall offer an examination [*at least once*  
 8 *each year to applicants*] **to individuals applying** for a license to practice as an embalmer.

9 [(2) *Notice of the time and place of the examination shall be sent to the applicants by mail at least*  
 10 *10 days before the examination.*]

11 **(2) The board shall make an examination schedule publicly available and shall send an**  
 12 **examination schedule to each applicant at least 10 days before each examination. An exam-**  
 13 **ination schedule must denote the time and place of each examination.**

14 (3) The board shall specify the [*subjects in funeral service arts and science*] **material** to be in-  
 15 cluded in [*the*] **an** examination for a license to [*operate*] **practice** as an embalmer. The board may  
 16 [*use the questions*] **require inclusion of any question** prepared by the **International** Conference  
 17 of Funeral Service Examining Boards or its successor **organization**.

18 (4) The board shall adopt rules establishing standards for minimum performance on the exam-  
 19 ination and conditions for reexamination.

20 **SECTION 6. The amendments to ORS 692.105 and 692.130 by sections 4 and 5 of this 2015**  
 21 **Act apply to applicants whose applications for licensure as an embalmer are received by the**  
 22 **State Mortuary and Cemetery Board on or after the operative date specified in section 12**  
 23 **of this 2015 Act.**

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 25 **RECIPROCITY**

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 27 **SECTION 7.** ORS 692.140 is amended to read:

28 692.140. (1) **For an applicant from another state,** the State Mortuary and Cemetery Board  
 29 shall issue a license to practice as a funeral service practitioner or [*an*] embalmer, **or shall register**  
 30 **an individual who applies to be an apprentice to a funeral service practitioner or embalmer,**  
 31 [*to an applicant from another state*] if:

32 (a) The applicant [*for recognition of the license*] applies to the board and fulfills the requirements  
 33 specified in subsection (2) of this section; and

34 (b) The board is satisfied that the applicant has **demonstrated** the requisite qualifications [*for*  
 35 *licensing as*] **to be** a funeral service practitioner [*or an embalmer in this state*], **embalmer or ap-**  
 36 **prentice to a funeral service practitioner or embalmer in a manner prescribed by the board**  
 37 **by rule.**

38 (2) An applicant under this section shall apply to the board on a form provided by the board.  
 39 The applicant shall include with the application:

40 (a) Proof satisfactory to the board that the applicant [*is licensed in good standing in another state*  
 41 *and has practiced as a funeral service practitioner or an embalmer who was licensed and in good*  
 42 *standing in another state for three of the five years immediately preceding the application date.*]:

43 **(A) Currently is, or previously was, authorized to practice as a funeral service practi-**  
 44 **tioner, embalmer or apprentice to a funeral service practitioner or embalmer in another**  
 45 **state;**

1 (B) Is, or was at the time that the applicant ceased practicing as a funeral service  
2 practitioner, embalmer or apprentice to a funeral service practitioner or embalmer, in good  
3 standing in that state; and

4 (C) Has practiced as a funeral service practitioner, embalmer or apprentice to a funeral  
5 service practitioner or embalmer for at least one year immediately preceding the application  
6 date.

7 (b) Payment of the initial reciprocity licensing fee established under ORS 692.160.

8 **SECTION 8. The amendments to ORS 692.140 by section 7 of this 2015 Act apply to ap-**  
9 **plications received by the State Mortuary and Cemetery Board on or after the operative date**  
10 **specified in section 12 of this 2015 Act.**

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12 **APPRENTICESHIP**

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14 **SECTION 9.** ORS 692.190 is amended to read:

15 692.190. (1) An individual who wishes to engage as an apprentice **to a funeral service practi-**  
16 **tioner or embalmer** shall apply to the State Mortuary and Cemetery Board for registration as a  
17 funeral service practitioner apprentice or an embalmer apprentice upon a form provided by the  
18 board. The individual must consent to a background check, including **any** information [*solicited*  
19 *from*] **required by** the Department of State Police. The application must be accompanied by the fee  
20 established under ORS 692.160.

21 (2) [*One*] **A** funeral service practitioner apprentice [*at a time is authorized to operate under or*  
22 *in connection with each licensed*] **must be supervised by a** funeral service practitioner practicing  
23 in this state [*for the purpose of learning the functions of a funeral service practitioner*] **who is li-**  
24 **icensed by and in good standing with the board.**

25 (3) [*One*] **An** embalmer apprentice [*at a time is authorized to engage in the study of the art of*  
26 *embalming under the instruction and supervision of each licensed*] **must be under the direct**  
27 **supervision of an** embalmer practicing in this state **who is licensed by and in good standing with**  
28 **the board.**

29 [(4) *The duration of an apprenticeship required for licensure is:*]

30 [(a) *Twelve months for a funeral service practitioner apprentice.*]

31 [(b) *Twelve months for an embalmer apprentice.*]

32 [(5) *An individual may serve as a funeral service practitioner apprentice for an aggregate total of*  
33 *not more than 48 months. In computing time under this subsection, the board shall exclude time lost*  
34 *by interruptions caused by active duty of the apprentice in the military service of the United States or*  
35 *its allies during war or national emergency and by interruptions that the board finds are excusable*  
36 *under rules of the board.*]

37 [(6) *An embalmer apprentice may serve the apprenticeship concurrently with the funeral service*  
38 *practitioner apprenticeship.*]

39 [(7) *An individual may serve as an embalmer apprentice for an aggregate total of not more than*  
40 *48 months. In computing time under this subsection, the board shall exclude time lost by interruptions*  
41 *caused by active duty of the apprentice in the military service of the United States or its allies during*  
42 *war or national emergency and by interruptions that the board finds are excusable under rules of the*  
43 *board.*]

44 (4) **An apprentice registered under this section may not perform activities regulated un-**  
45 **der this chapter unless:**

1 (a) The activities are performed under the supervision of a licensee; and

2 (b) The activities fall within the scope of practice of the apprenticeship for which the  
3 apprentice is registered.

4 (5) To complete an apprenticeship, an individual must:

5 (a) Complete and document the requisite number of cases as determined by the board by  
6 rule;

7 (b) Demonstrate the requisite competencies as determined by the board by rule; and

8 (c) Meet any other requirement established by the board by rule.

9 [(8)(a)] (6)(a) [Notwithstanding subsections (2) and (3) of this section,] A licensed funeral service  
10 practitioner who is in good standing with the board or a licensed embalmer who is in good  
11 standing with the board may serve as a preceptor for [not more than three students serving a fu-  
12 neral service internship in accordance with guidelines established by an] interns enrolled in an ac-  
13 credited funeral service education program that is registered with the board.

14 [(b) A student serving an internship in a program that covers both funeral service and embalming  
15 must be supervised by a practitioner who has a combination funeral service practitioner and embalmer  
16 license.]

17 (b) A licensed funeral service practitioner or licensed embalmer must notify the board  
18 in a manner and form prescribed by the board by rule when beginning or ceasing service as  
19 a preceptor under this subsection.

20 (c) A preceptor must directly supervise the activities of interns. An intern may not per-  
21 form activities regulated under this chapter unless:

22 (A) The activities are performed under the supervision of a preceptor; and

23 (B) The activities are performed for or as part of the funeral service education program.

24 [(9)] (7) The board shall adopt rules under which the board may confer credit for apprenticeship  
25 service or its equivalency performed by:

26 (a) An applicant [in another state] under ORS 692.140; or

27 (b) An applicant whose [license or certificate of] apprenticeship registration has lapsed.

28 **SECTION 10. The amendments to ORS 692.190 by section 9 of this 2015 Act apply to ap-  
29 plicants whose applications for apprenticeship are received by the State Mortuary and Cem-  
30 etery Board on or after the operative date specified in section 12 of this 2015 Act.**

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32 **OTHER AMENDMENTS**

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34 **SECTION 11.** ORS 692.143 is amended to read:

35 692.143. The State Mortuary and Cemetery Board shall issue a license to an individual to prac-  
36 tice as a death care consultant if the individual:

37 (1) Applies to the board for a death care consultant license on an application form provided by  
38 the board;

39 (2) Passes an examination [conducted] offered by the board [covering Oregon] that tests appli-  
40 cants on state and federal laws [and], rules and regulations relating to the care, preparation,  
41 disposition and transportation of dead human bodies;

42 (3) Pays fees required by the board by rule; and

43 (4) Meets [other requirements] any other requirement established by the board by rule.

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45 **OPERATIVE DATE**

1        **SECTION 12.** (1) The amendments to ORS 692.045, 692.070, 692.105, 692.130, 692.140, 692.143  
2        and 692.190 by sections 1, 2, 4, 5, 7, 9 and 11 of this 2015 Act become operative on January  
3        1, 2016.

4        (2) The State Mortuary and Cemetery Board may take any action before the operative  
5        date specified in subsection (1) of this section that is necessary to enable the board to exer-  
6        cise, on and after the operative date specified in subsection (1) of this section, all the duties,  
7        functions and powers conferred on the board by the amendments to ORS 692.045, 692.070,  
8        692.105, 692.130, 692.140, 692.143 and 692.190 by sections 1, 2, 4, 5, 7, 9 and 11 of this 2015 Act.

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10    **UNIT CAPTIONS**

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12        **SECTION 13.** The unit captions used in this 2015 Act are provided only for the conven-  
13        ience of the reader and do not become part of the statutory law of this state or express any  
14        legislative intent in the enactment of this 2015 Act.

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16    **EMERGENCY CLAUSE**

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18        **SECTION 14.** This 2015 Act being necessary for the immediate preservation of the public  
19        peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
20        on its passage.

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