

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 400
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Short Title: Mortuary Science Regs.

(Public)

Sponsors:

Referred to:

March 28, 1991

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES IN THE BOARD OF MORTUARY
SCIENCE PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-210.18(c)(4) reads as rewritten:

"(4) Nomination of candidates for election shall be made to the Board of Mortuary Science Elections by a written petition signed by not less than 20 embalmers, funeral directors or funeral service licensees licensed to practice in North Carolina, and filed with said Board of Mortuary Science Elections subsequent to the ~~fifteenth~~ first day of May of the year in which the election is to be held and not later than midnight of the ~~fifteenth~~ first day of August of such year, or not later than such earlier date (not before July 1) as may be set by the Board of Mortuary Science Elections: Provided, that not less than 10 days' notice of such earlier date shall be given to all embalmers, funeral directors and funeral service licensees qualified to sign a petition of nomination."

Sec. 2. G.S. 90-210.18(c)(8) reads as rewritten:

"(8) The said ballots shall be canvassed by the Board of Mortuary Science Elections beginning at ~~noon~~ 1:00 p.m. on a day and at a place set by said Board and announced by it in the notice accompanying the sending out of the ballots and envelopes, said

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1 date to be not later than four days after the date fixed by the Board
2 for the closing of the balloting. The canvassing shall be made
3 publicly and any licensed embalmer, funeral director or funeral
4 service licensee may be present. The counting of ballots shall be
5 conducted as follows: The envelopes shall be displayed to the
6 persons present and an opportunity shall be given to any person
7 present to challenge the qualification of the voter whose signature
8 appears on the envelope or to challenge the validity of the
9 envelope. Any envelope (with enclosed ballot) challenged shall be
10 set aside, and the challenge shall be heard later or at that time by
11 said Board. After the envelopes have been so exhibited, those not
12 challenged shall be opened and the ballots extracted therefrom,
13 insofar as practicable without showing the marking on the ballots,
14 and there shall be a final and complete separation of each envelope
15 and its enclosed ballot. Thereafter each ballot shall be presented for
16 counting, shall be displayed and, if not challenged, shall be
17 counted. No ballot shall be valid if it is marked for more nominees
18 than there are positions to be filled in that election: Provided, that
19 no ballot shall be rejected for any technical error unless it is
20 impossible to determine the voter's choices or choice from the
21 ballot. The counting of ballots shall be continued until completed.
22 During the counting, challenge may be made to any ballot on the
23 grounds only of defects appearing on the face of the ballot. The
24 said Board may decide the challenge immediately when it is made
25 or it may put aside the ballot and determine the challenge upon the
26 conclusion of the counting of the ballots."

27 Sec. 3. G.S. 90-210.23(e) reads as rewritten:

28 "(e) The Board is empowered to regulate and inspect, according to law, funeral
29 service establishments, their operation and the licenses under which they are operated,
30 and to enforce as provided by law the rules, regulations and requirements of the
31 Division of Health Services and of the city, town or county wherein any such funeral
32 service establishment is maintained and operated. Any funeral establishment which,
33 upon inspection, is found not to meet all of the requirements of this Article shall pay a
34 reinspection fee to the Board for each additional inspection that is made to ascertain that
35 the deficiency or other violation has been corrected."

36 Sec. 4. G.S. 90-210.25(a)(4) reads as rewritten:

37 "(4) a. A person desiring to become a resident trainee shall apply to the
38 Board on a form provided by the Board. The application shall state that
39 the applicant is not less than 18 years of age, of good moral character,
40 and is the graduate of a high school or the equivalent thereof, and shall
41 indicate the licensee under whom the applicant expects to train. A
42 person training to become an embalmer may serve under either a
43 licensed embalmer or a funeral service licensee. A person training to
44 become a funeral director may serve under either a licensed funeral

1 director or a funeral service licensee. A person training to become a
2 funeral service licensee shall serve under a funeral service licensee.
3 The application must be sustained by oath of the applicant and be
4 accompanied by the appropriate fee. When the Board is satisfied as to
5 the qualifications of an applicant it shall instruct the secretary to issue
6 a certificate of resident traineeship.

7 b. When a resident trainee leaves the proctorship of the licensee
8 under whom the trainee has worked, the licensee shall file with
9 the Board an affidavit showing the length of time served with
10 the licensee by the trainee, and the affidavit shall be made a
11 matter of record in the Board's office. The licensee shall deliver
12 a copy of the affidavit to the trainee.

13 c. A person who has not completed the traineeship and wishes to
14 do so under a licensee other than the one whose name appears
15 on the original certificate may reapply to the Board for
16 approval, without payment of an additional fee.

17 d. A certificate of resident traineeship shall be signed by the
18 resident trainee and upon payment of the renewal fee shall be
19 renewable one year after the date of original registration; but
20 the certificate may not be renewed more than one time. The
21 Board shall mail to each registered trainee at his last known
22 address a notice that the renewal fee is due and that, if not paid
23 within 30 days of the notice, the certificate will be canceled. A
24 penalty, in addition to the renewal fee, shall be charged for a
25 late renewal, but the renewal of the registration of any resident
26 trainee who is engaged in the active military service of the
27 United States at the time renewal is due may, at the discretion
28 of the Board, be held in abeyance for the duration of that
29 service without penalties. No credit shall be allowed for the 12-
30 month period of resident traineeship that shall have been
31 completed more than three years preceding the examination for
32 a license.

33 e. All registered resident trainees shall report to the Board at least
34 every three months during traineeship upon forms provided by
35 the Board listing the work which has been completed during the
36 preceding three months of resident traineeship. The data
37 contained in the reports shall be certified as correct by the
38 licensee under whom the trainee has served during the period
39 and by the licensed person who is managing the funeral service
40 establishment. Each report shall list the following:

- 41 1. For funeral director trainees, the conduct of any funerals
42 during the relevant time period,
- 43 2. For embalming trainees, the embalming of any bodies
44 during the relevant time period,

- 1 3. For funeral service trainees, both of the activities named
2 in 1 and 2 of this subsection, engaged in during the
3 relevant time period.
- 4 f. To meet the resident traineeship requirements of G.S. 90-
5 210.25(a)(1), G.S. 90-210.25(a)(2) and G.S. 90-210.25(a)(3) the
6 following must be shown by the affidavit(s) of the licensee(s)
7 under whom the trainee worked:
- 8 1. That the funeral director trainee has, under supervision,
9 assisted in directing at least 25 funerals during the
10 resident traineeship,
- 11 2. That the embalmer trainee has, under supervision,
12 assisted in embalming at least 25 bodies during the
13 resident traineeship,
- 14 3. That the funeral service trainee has, under supervision
15 assisted in directing at least 25 funerals and, under
16 supervision, assisted in embalming at least 25 bodies
17 during the resident traineeship.
- 18 g. The Board may suspend or revoke a certificate of resident
19 traineeship for violation of any provision of this Article.
- 20 h. Each sponsor for a registered resident trainee must during the
21 period of sponsorship be actively employed with a funeral
22 establishment. The traineeship shall be a primary vocation of
23 the trainee.
- 24 i. Only one resident trainee may register and serve at any one time
25 under any one person licensed under this Article.
- 26 ~~j. The Board shall not register a resident trainee unless it is shown
27 that the funeral establishment where he is to be employed had at
28 least 35 funerals during the 12 months immediately preceding
29 the date of the application.~~
- 30 ~~k. The Board shall not register more than one resident trainee for
31 each 150 funerals had by the funeral establishment during the
32 12 months immediately preceding the date of the application.~~
- 33 l. The Board shall register no more than one resident trainee at a
34 funeral establishment that conducted 100 or fewer funerals
35 during the 12 months immediately preceding the date of the
36 application, and shall register no more than one resident trainee
37 for each additional 100 funerals conducted at the funeral
38 establishment during the 12 months immediately preceding the
39 date of the application."
- 40 Sec. 5. G.S. 90-210.25(a)(5) reads as rewritten:
- 41 "(5) The Board by regulation may recognize other examinations that the
42 Board deems equivalent to its own.
- 43 All licenses shall be signed by the president and secretary of the
44 Board and the seal of the Board affixed thereto. All licenses shall be

1 issued, renewed or duplicated for a period not exceeding one year
2 upon payment of the renewal fee, and all licenses, renewals or
3 duplicates thereof shall expire and terminate the thirty-first day of
4 December following the date of their issue unless sooner revoked and
5 canceled; provided, that the date of expiration may be changed by
6 unanimous consent of the Board and upon 90 days' written notice of
7 such change to all persons licensed for the practice of funeral
8 directing, embalming and funeral service in this State.

9 The holder of any license issued by the Board who shall fail to renew
10 the same on or before January 31 of the calendar year for which the
11 license is to be renewed shall have forfeited and surrendered the
12 license as of that date. No license forfeited or surrendered pursuant to
13 the preceding sentence shall be reinstated by the Board unless it is
14 shown to the Board that the applicant has, throughout the period of
15 forfeiture, engaged full time in another state of the United States or the
16 District of Columbia in the practice to which his North Carolina
17 license applies and has completed for each such year continuing
18 education substantially equivalent in the opinion of the Board to that
19 required of North Carolina licensees; or has completed in North
20 Carolina a total number of hours of accredited continuing education
21 computed by multiplying five times the number of years of forfeiture;
22 or has passed the North Carolina examination for the forfeited license.
23 No additional resident traineeship shall be required. The applicant
24 shall be required to pay all delinquent annual renewal fees and a
25 reinstatement fee. The Board may waive the provisions of this section
26 for an applicant for a forfeiture which occurred during his service in
27 the armed forces of the United States provided he applies within six
28 months following severance therefrom.

29 All licensees now or hereafter licensed in North Carolina shall take
30 courses of study in subjects relating to the practice of the profession
31 for which they are licensed, to the end that new techniques, scientific
32 and clinical advances, the achievements of research and the benefits of
33 learning and reviewing skills will be utilized and applied to assure
34 proper service to the public.

35 As a prerequisite to the annual renewal of a license, the licensee
36 must complete, during the year immediately preceding renewal, at
37 least five hours of continuing education courses, approved by the
38 Board prior to enrollment; except that for renewals for calendar year
39 1980 the required length of study shall be a total of 15 hours in the
40 three years immediately preceding January 1, 1980.

41 The Board shall not renew a license unless fulfillment of the
42 continuing education requirement has been certified to it on a form
43 provided by the Board, but the Board may waive this requirement for
44 renewal in cases of certified illness or undue hardship or where the

1 licensee lives outside of North Carolina and does not practice in North
2 Carolina, and the Board shall waive the requirement for all licensees
3 who have been licensed in North Carolina for a continuous period of
4 25 years or ~~more-~~more, and for all licensees who are, at the time of
5 renewal, members of the General Assembly.

6 The Board shall cause to be established and offered to the licensees,
7 each calendar year, at least five hours of continuing education courses
8 in subjects encompassing the license categories of embalming, funeral
9 directing and funeral service. The Board may charge licensees
10 attending these courses a reasonable registration fee in order to meet
11 the expenses thereof and may also meet those expenses from other
12 funds received under the provisions of this Article.

13 Any person who having been previously licensed by the Board as a
14 funeral director or embalmer prior to July 1, 1975, shall not be
15 required to satisfy the requirements herein for licensure as a funeral
16 service licensee, but shall be entitled to have such license renewed
17 upon making proper application therefor and upon payment of the
18 renewal fee provided by the provisions of this Article. Persons
19 previously licensed by the Board as a funeral director may engage in
20 funeral directing, and persons previously licensed by the Board as an
21 embalmer may engage in embalming. Any person having been
22 previously licensed by the Board as both a funeral director and an
23 embalmer may upon application therefor receive a license as a funeral
24 service licensee."

25 Sec. 6. This act is effective upon ratification.