

Regular Session, 2012

HOUSE BILL NO. 161

BY REPRESENTATIVE RITCHIE

EMBALMERS/FUNERAL DIRECT: Establishes a continuing education program for embalmers and funeral directors

1 AN ACT

2 To amend and reenact R.S. 37:846(A)(11) and to enact R.S. 37:831(80) through (87),  
3 846(A)(20), and 853, relative to embalmers and funeral directors; to create a  
4 continuing education program; to provide for definitions; to provide for powers and  
5 duties of the board; to provide for renewal of licenses; to provide for requirements  
6 and enforcement; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:846(A)(11) is hereby amended and reenacted and R.S. 37:831(80)  
9 through (87), 846(A)(20), and 853 are hereby enacted to read as follows:

10 §831. Definitions

11 For purposes of this Chapter and implementation thereof, the following terms  
12 shall have the meaning as defined herein, unless the context clearly indicates  
13 otherwise:

14 \* \* \*

15 (80) "Active licensee" means an individual that holds a funeral director or  
16 embalmer and funeral director license issued by the board and who has complied  
17 with all requirements of this Chapter.

18 (81) "Approved continuing education program" means a continuing  
19 education program activity which is approved by the board.

20 (82) "Approved provider" means any continuing education provider  
21 approved by the board.





1           (4) Inactive licensees during any licensing period in which they remain  
2           inactive; however, an inactive licensee changing status to an active licensee shall  
3           first meet the continuing education requirements.

4           (5) Interns and student interns.

5           C.(1) Any licensee who seeks credit for participation in an educational  
6           activity not provided for in Subsection D of this Section may submit a request for  
7           subsequent approval of the activity. Such application shall be in a form approved by  
8           the board and shall be submitted within thirty days of the completion of the activity.

9           (2) The board shall approve or reject the application within five working  
10          days of receipt and shall notify the licensee in writing of the action.

11          (3) An appeal of the rejection of an application may be made in writing to  
12          the board within fifteen days of notification of the rejection. The board shall rule on  
13          the appeal at the next scheduled meeting of the board.

14          D.(1) The continuing education program required by this Section shall be  
15          satisfied by:

16          (a) Courses recognized by the Academy of Professional Funeral Service  
17          Practice or offered by the Louisiana Funeral Directors Association or the Louisiana  
18          Funeral Directors and Morticians Association.

19          (b) Courses approved by the board or its designee that do not meet the  
20          standards in Paragraph (a) of this Subsection.

21          (2) Continuing education programs may be open and available to all  
22          licensees or closed and restricted as determined by the sponsor, approved provider,  
23          or program instructor.

24          (3) The number of continuing education hours for a specific program shall  
25          be determined and announced by the provider or program instructor.

26          (4) The board shall maintain a listing of approved continuing education  
27          programs, approved providers, and program instructors.

28          (5) The board may monitor, inspect, or review any board-approved  
29          continuing education activity. If a determination is made that the program as

1 presented varied significantly from the program as approved, the board may disallow  
2 all or part of the continuing education hours granted for the activity.

3 E.(1) Board-approved providers and program instructors shall:

4 (a) Submit, within ten days of completion of the activity and on a form  
5 approved by the board, a statement attesting to the satisfactory completion of all  
6 participating licensees.

7 (b) Retain all records pertaining to approved continuing education programs  
8 for a period of not less than three years, which records shall be subject to  
9 examination by the board upon its request.

10 (2) The board shall maintain records of current hours of continuing education  
11 for each licensee, and each individual licensee shall maintain his own records of his  
12 current hours of continuing education.

13 (3) The board shall, as a part of the application process for license renewal,  
14 inform each licensee of the current number of hours of continuing education in the  
15 licensee's file.

16 F. The sponsor, provider, or program instructor conducting a continuing  
17 education program may charge a fee to each licensee attending the program.

18 G. Any licensee who meets all the requirements of this Chapter, with the  
19 exception of the required hours of continuing education, shall become an inactive  
20 licensee.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Ritchie

HB No. 161

**Abstract:** Creates a continuing education program for active embalmer and funeral director licensees requiring at least four hours per year in courses approved by the La. State Board of Embalmers and Funeral Directors.

Proposed law establishes a continuing education program for embalmers and funeral directors licensed by the La. State Board of Embalmers and Funeral Directors as follows:

(1) Requires each active licensee, in order to renew a license, to complete four hours of continuing education in programs approved by the board.

- (2) Allows a maximum of eight hours to be carried over for subsequent licensing periods, up to four hours each period for two periods.
- (3) Allows programs to be offered in person or through other means.
- (4) Prohibits credit for the same course more than once during any two consecutive licensing periods.
- (5) Requires submission of evidence of completion issued by an approved provider.
- (6) Allows subsequent credit for activity not provided for and provides for procedures for such.
- (7) Allows for courses meeting continuing education requirements and provides for board approval for those not considered meeting standard requirements.
- (8) Requires the program provider or instructor to specify the number of continuing education hours for a specific program.
- (9) Requires the board to maintain a listing of approved programs and providers and maintain records of compliance for each licensee.
- (10) Allows the board to monitor, inspect, or review any board-approved continuing education activity.
- (11) Requires providers and instructors to submit, within 10 days of completion, a statement attesting to satisfactory completion of all participating licensees and retain all records for not less than three years.
- (12) Requires the board and the licensee to maintain records of current continuing education hours and requires the board to inform the licensee of the number of hours in his file as part of license renewal.
- (13) Allows providers and instructors to charge a fee to each licensee attending their continuing education program.
- (14) Specifies that any licensee who meets all the requirements of the Chapter, except for continuing education requirements, becomes an inactive licensee.

Proposed law provides that the continuing education requirements do not apply to:

- (1) First-time license renewals.
- (2) Licensees who are 65 years of age at the time of renewal and who have been licensed for not less than 10 consecutive years.
- (3) Licensees called to active military duty.
- (4) Inactive licensees while they remain inactive. Requires an inactive licensee changing to active status to first meeting the continuing education requirements.
- (5) Interns and student interns.

Proposed law allows the board to refuse to grant or renew, or suspend or revoke, or impose sanctions on any licensee that knowingly and falsely certifies training or attempts through subterfuge to bypass the continuing education requirements. Proposed law specifies that present law ability of the board to refuse to grant or renew, suspend or revoke, or impose

sanctions on any licensee that employs an unlicensed person to engage in certain activities applies to those licensees who knowingly employ such person.

(Amends R.S. 37:846(A)(11); Adds R.S. 37:831(80)-(87), 846(A)(20), and 853)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Made various technical corrections.
2. Specified that present law ability of the board to refuse to grant or renew, suspend or revoke, or impose sanctions on any licensee that employs an unlicensed person to engaged in certain activities applies to those licensees who knowingly employ such person.
3. Specified that the continuing education program is satisfied by courses recognized by certain national and local groups and as approved by the board.
4. Required the board to inform the licensee of the number of hours in his file as part of license renewal.
5. Specified that any licensee who meets all the requirements of present law, except for continuing education requirements, becomes an inactive licensee.
6. Added interns and student interns to the list of those who do not have to meet the continuing education requirements.