

Regular Session, 2012

HOUSE BILL NO. 659

BY REPRESENTATIVE HUVAL

EMBALMERS/FUNERAL DIRECT: Creates a continuing education program for Embalmers and Funeral Directors and provides sanctions for certain activities

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 provide for
4 grounds for refusal to grant, renew, revoke a license, or impose sanctions; to create
5 a continuing education program; to provide for definitions; to provide for powers and
6 duties of the board; to provide for renewal of licenses; to provide for requirements
7 and enforcement; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

11 §831. Definitions

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

15 * * *

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

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

1 (2) Licensees who are sixty-five years of age at the time of renewal and who
2 have been licensed for a period of not less than ten consecutive years.

3 (3) Licensees who have been called to active military duty status.

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

7 (5) Interns or student interns.

8 C.(1) Any licensee who seeks credit for participation in an educational
9 activity may submit a request for subsequent approval of the activity. Such
10 application shall be in a form approved by the board and shall be submitted within
11 thirty days of the completion of the activity.

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

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

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

19 (a) Courses recognized by the Academy of Professional Funeral Service
20 Practice or offered by the Louisiana Funeral Directors Association or the Louisiana
21 Funeral Directors and Morticians Association.

22 (b) Courses approved by the board or its designee that do not meet the
23 standards in Subparagraph (a) of this Paragraph.

24 (2) Continuing education programs may be open and available to all
25 licensees or closed and restricted as determined by the sponsor, provider, or program
26 instructor.

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

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

3 (5) The board may monitor, inspect, or review any approved continuing
4 education activity. If a determination is made that the program as presented varied
5 significantly from the program as approved, the board may disallow all or part of the
6 continuing education hours granted for the activity.

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

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

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

14 (2) The board shall maintain records of continuing education for each
15 licensee, and each individual licensee shall maintain his own records of his
16 continuing education compliance.

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

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

22 G. Any licensee who meets all the requirements of this Chapter, with the
23 exception of the required hours of continuing education, shall become an inactive
24 licensee.

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)]

Huval

HB No. 659

Abstract: Creates a continuing education program for active embalmer and funeral director licensees requiring at least four hours per year.

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.
- (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 a provider.
- (6) Allows subsequent credit for activity and provides for procedures for such.
- (7) Allows for courses meeting continuing education requirements recognized by certain professional groups.
- (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 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) Allows sponsors, providers, and instructors to charge a fee to each licensee attending their continuing education program.

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 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:

- (1) Knowingly employs any unlicensed person to engage in the practice of cremation or operate a cremation retort.
- (2) Knowingly employs an inactive licensee to perform work of an actual embalmer or funeral director, unless he is a registered apprentice under the direction and supervision of a licensed embalmer or funeral director.
- (3) Knowingly and falsely certifies training or attempts through subterfuge to bypass the continuing education requirements.

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