

Regular Session, 2012

SENATE BILL NO. 223

BY SENATOR RISER

EMBALMERS/FUNERAL DIRECT. Creates a continuing education program for embalmers and funeral directors. (8/1/12)

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AN ACT

To enact R.S. 37:831(80) through (87), 846(A)(20), and 854, relative to embalmers and funeral directors; to create a continuing education program; to provide for definitions; to provide for powers and duties of the board; to provide for renewal of licenses; to provide for requirements and enforcement; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:831(80) through (87), 846(A)(20), and 854 are hereby enacted to read as follows:

§831. Definitions

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

* * *

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

1 inactive; however, an inactive licensee changing status to an active licensee shall
2 meet the continuing education requirements within sixty days of active status.

3 C.(1) Any licensee who seeks credit for participation in an educational
4 activity that did not receive prior approval of the board may submit a request
5 for subsequent approval of the activity. Such application shall be in a form
6 approved by the board and shall be submitted within thirty days of the
7 completion of the activity.

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

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

13 D.(1) Courses approved by the board or the Academy of Professional
14 Funeral Service Practice or offered by the Louisiana Funeral Directors
15 Association or the Louisiana Funeral Directors and Morticians Association,
16 shall be considered standard courses for meeting continuing education
17 requirements.

18 (2) The board shall approve a continuing education program that does
19 not meet the standards in Paragraph (1) of this Subsection, if the board
20 determines that the program is an organized program of learning that
21 contributes directly to the professional competence of the licensee and if it is
22 conducted by a person who has specialized expertise in the subject matter.

23 (3) Approved continuing education programs may be open and available
24 to all licensees or closed and restricted as determined by the sponsor, approved
25 provider, or program instructor.

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

29 (5) The board shall maintain a listing of approved continuing education

1 **programs, approved providers, and program instructors.**

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

6 **E.(1) Approved providers and program instructors shall submit, within**
 7 **ten days of completion of the activity and on a form approved by the board, a**
 8 **statement attesting to the satisfactory completion of all participating licensees.**

9 **(2) Approved providers and program instructors shall retain all records**
 10 **pertaining to approved continuing education programs for a period of not less**
 11 **than three years, which records shall be subject to examination by the board**
 12 **upon its request.**

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

16 **F. The approved provider or program instructor conducting a**
 17 **continuing education program may charge a reasonable fee to each licensee**
 18 **attending the program.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law provides for the regulation of embalming and funeral directors by the Louisiana State Board of Embalmers and Funeral Directors ("board").

Present law provides for definitions.

Proposed law retains present law definitions and adds the following definitions:

- (1) "Active licensee" means an individual who holds a funeral director license or an embalmer and funeral license issued by the board, and who has complied with provisions of present law.
- (2) "Approved continuing education program" means a continuing education program activity that is approved by the board.
- (3) "Approved provider" means any continuing education provided approved by the board.

- (4) "Continuing education" means education that is obtained by a licensee through education processes in order to develop, maintain, improve, or expand skills and knowledge.
- (5) "Embalmer and funeral director" means a person to whom a valid license has been issued by the board to perform the duties of embalming and funeral directing.
- (6) "Hour of continuing education" means a unit of measurement equivalent to an organized learning experience of fifty consecutive minutes.
- (7) "Inactive licensee" means an individual who holds a funeral director license, or an embalmer and funeral director license, issued by the board not practicing in any capacity in this state and who has not met the requirements of present law.
- (8) "Program instructor" means an organization or person who conducts or presents continuing education to licensees.

Present law provides that the board may refuse to grant, refuse to renew, or may suspend or revoke any license, or impose a sanction or fine in keeping with the penalty provided by present law, when the applicant or licensee is found guilty of certain acts or omissions.

Proposed law retains present law and provides that the board may refuse to grant, refuse to renew, or may suspend or revoke any license, or impose a sanction or fine, when the applicant or licensee is found guilty of knowingly and falsely certifying training or attempting through subterfuge to bypass the requirements for continuing education.

Proposed law establishes a continuing education program for embalmers and funeral directors licensed by the board.

Proposed law provides as a condition of renewal of any license issued by the board, each active licensee shall complete four hours per licensing period of continuing education in continuing education programs approved by the board, subject to the following:

- (1) A maximum of eight hours of continuing education may be carried over and applied to the required hours for subsequent licensing periods, up to four hours each period for a maximum of two periods.
- (2) Approved continuing education programs may be offered in person or through other means, including but not limited to distance learning, videotape, audiotape, teleconference, satellite seminar, Web conferencing, Internet course work, correspondence course work, or any other means approved by the board.
- (3) Credit shall not be given for taking the same course more than once during any two licensing periods.
- (4) Credit of attendance may be given to a licensee who conducts an approved continuing education program.
- (5) Credit shall be given for completion of an approved continuing education program upon submission of a certificate of completion issued by an approved provider or program instructor or upon submission of other evidence of satisfactory completion approved by the board.

Proposed law excludes from the continuing education requirements the following:

- (1) First time license renewals.
- (2) Licensees who are 65 years of age at the time of renewal and who have been licensed

for a period of not less than 10 consecutive years.

- (3) Licensees who have been called to active military duty status.
- (4) Inactive licensees during any licensing period in which they remain inactive; however, an inactive licensee changing status to an active licensee shall meet the continuing education requirements within 60 days of active status.

Proposed law provides that any licensee who seeks credit for participation in an educational activity that did not receive prior approval of the board may submit a request for subsequent approval of the activity. Such application shall be in a form approved by the board and shall be submitted within 30 days of the completion of the activity.

Proposed law provides that courses approved by certain organizations shall be considered standard courses for meeting the continuing education requirements and provides that board may approve other courses if certain conditions are met.

Proposed law provides that approved providers and program instructors shall submit, within 10 days of completion of the activity and on a form approved by the board, a statement attesting to the satisfactory completion of all participating licensees.

Proposed law requires approved providers, program instructors, the board, and licensees to retain records pertaining to approved continuing education programs.

Proposed law authorizes the approved provider or program instructor conducting a continuing education program to charge a reasonable fee to each licensee attending the program.

Effective August 1, 2012.

(Adds R.S. 37:831(80)-(87), 846(A)(20), and 854)