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## **2015 Legislative updates for the Minnesota Mortuary Science Industry:**

Every year after the State Legislative session, new laws are adopted and enacted. New legislation for the mortuary science industry has passed and will go into effect on Wednesday, July 1, 2015. This year there were several changes made to Minnesota Statutes §149A that will impact the mortuary science industry. The Minnesota Department of Health, Mortuary Science section would like to provide you the following highlights of the recently enacted statutory changes:

- I. Language was added to Minnesota Statutes §149A.20 Subd. 5 to provide a time frame for examinees retaking the Minnesota state licensing examination. Examinees can retake the written examination 2 weeks after receiving a failing score.

### **Minnesota Statutes §149A.20, Subdivision 5 now reads:**

Subd. 5. Examinations. After having met the educational requirements of subdivision 4, a person must attain a passing score on the National Board Examination administered by the Conference of Funeral Service Examining Boards of the United States, Inc. or any other examination that, in the determination of the commissioner, adequately and accurately assesses the knowledge and skills required to practice mortuary science. In addition, a person must attain a passing score on the state licensing examination administered by or on behalf of the commissioner. The state examination shall encompass the laws and rules of Minnesota that pertain to the practice of mortuary science. The commissioner shall make available copies of all pertinent laws and rules prior to administration of the state licensing examination. If a passing score is not attained on the state examination, the individual must wait two weeks before they can retake the examination.

- II. The Exemption (known to some as the grandfather clause) was removed from Minnesota Statutes §149A.92 Subd. 1, which means the grandfather clause or concept will no longer be honored. The change to the Statutes would require funeral home owners to update their preparation and embalming rooms. Funeral home owners that only have one business location must meet the minimum requirements of Minnesota Statutes §149A.92 subdivision 2-6 after the law goes into effect July 1, 2015. All funeral home owners that operate multiple locations and utilize a centralized prep have until July 1, 2017 to bring the branch locations where human remains will be present into compliance. If a funeral home has a branch location that is only designated for making arrangements, and or selling funeral goods and services, human remains will not be allowed on the premises at the specific business location. Therefore, it will not be required to bring that preparation and embalming room into compliance with the minimal requirements of Minnesota Statutes §149A.92 subdivision 2-6.

**Minnesota Statutes §149A.92 Subdivision 1 now reads:**

Subdivision 1. **Establishment update.** Notwithstanding subdivision 11, a funeral establishment with other establishment locations that uses one preparation and embalming room for all establishment locations has until July 1, 2017, to bring the other establishment locations that are not used for preparation or embalming into compliance with this section so long as the preparation and embalming room that is used complies with the minimum standards in this section. At the time that ownership of a funeral establishment changes, the physical location of the establishment changes, or the building housing the funeral establishment or business space of the establishment is remodeled the existing preparation and embalming room must be brought into compliance with the minimum standards in this section and in accordance with subdivision 11.

- III. Language was added to Minnesota Statutes §149A.20 Subdivision 6 to provide specific detailed information regarding the internship requirements. Interns are now required to work at a funeral home as an intern for a minimum of 2080 hours which is equivalent to 1 year. In certain circumstances the commissioner may waive up to 520 hours of an internship if a student has completed a clinical or practicum at an approved program of mortuary science. Interns will be required to track and maintain their actual internship hours during the duration of an internship. An intern will be required to record their own hours and submit a report to the commissioner when an intern is audited. The commissioner will perform a random audit of internship hours and request interns to submit a copy of their actual number of complete internship hours. A new tracking system will be available in the near future for tracking internship hours. All interns **must** meet the internship requirements by completing a minimum of 2080 hours and submit 25 case reports in each of the following: embalming, funeral arrangements and funeral services.

**Minnesota Statutes §149A.20 Subdivision 6 now reads:**

Subd. 6. Internship. (a) A person who attains a passing score on both examinations in subdivision 5 must complete a registered internship under the direct supervision of an individual currently licensed to practice mortuary science in Minnesota. Interns must file with the commissioner:

(1) The appropriate fee; and

(2) a registration form indicating the name and home address of the intern, the date the internship begins, and the name, license number, and business address of the supervising mortuary science licensee.

(b) Any changes in information provided in the registration must be immediately reported to the commissioner. The internship shall be a minimum of 2,080 hours to be completed within a three-year period, however, the commissioner may waive up to 520 hours of the internship time requirement upon satisfactory completion of a clinical or practicum in mortuary science administered through the program of mortuary science of the University of Minnesota or a substantially similar program approved by the commissioner. Registrations must be renewed on an annual basis if they exceed one calendar year. During the internship period, the intern must be under the direct supervision of a person holding a current license to practice mortuary science in Minnesota. An intern may be registered under only one licensee at any given time and may be directed and supervised only by the registered licensee. The registered licensee shall have only one intern registered at any given time. The commissioner shall issue to each registered intern a

registration permit that must be displayed with the other establishment and practice licenses. While under the direct supervision of the licensee, the intern must complete 25 case reports in each of the following areas: embalming, funeral arrangements, and services. Case reports, on forms provided by the commissioner, shall be completed by the intern, and filed with the commissioner prior to the completion of the internship. Information contained in these reports that identifies the subject or the family of the subject embalmed or the subject or the family of the subject of the funeral shall be classified as licensing data under section 13.41, subdivision 2.

- IV. Language was added to Minnesota Statutes §149A.40 subdivision 11 to provide additional detailed directions on the type of courses Minnesota licensees would be required to complete in order to fulfill the continuing education (CE) requirements. Licensees will now be required to obtain 15 continuing education hours in 3 specific areas which include body preparation, care or handling; professional practice; regulation and ethics. Licensees are required to obtain 15 CE hours every two years and must report their CE hours by December 31, of the corresponding licensee's license number (odd or even).

**Minnesota Statutes §149A.40, Subdivision 11 now reads:**

Subd. 11. **Continuing education.** The commissioner shall require 15 continuing education hours for renewal of a license to practice mortuary science. Nine of the hours must be in the following areas: body preparation, care, or handling, 3 CE hours; professional practices, 3 CE hours; regulation and ethics, 3 CE hours. Continuing education hours shall be reported to the commissioner every other year based on the licensee's license number. Licensees whose license ends in an odd number must report CE hours at renewal time every odd year. If a licensee's license ends in an even number, the licensee must report the licensee's CE hours at renewal time every even year.

- V. Language has passed to increase the mortuary science licensing and application fees for the various licenses. The new fees/rates will become effective July 1, 2015.

**Minnesota Statutes §149A.65 Subdivision 1-7 now reads:**

149A.65 **FEES.** Subdivision 1. **Generally.** This section establishes the fees for registrations, examinations, initial and renewal licenses, and late fees authorized under the provisions of this chapter.

Subd. 2. **Mortuary science fees.** Fees for mortuary science are:

- (1) \$75 for the initial and renewal registration of a mortuary science intern;
- (2) \$125 for the mortuary science examination;
- (3) \$200 for issuance of initial and renewal mortuary science licenses;
- (4) \$100 late fee charge for a license renewal; and
- (5) \$250 for issuing a mortuary science license by endorsement.

Subd. 3. **Funeral directors.** The license renewal fee for funeral directors is \$200. The late fee charge for a license renewal is \$100.

Subd. 4. **Funeral establishments.** The initial and renewal fee for funeral establishments is \$425. The late fee charge for a license renewal is \$100.

Subd. 5. **Crematories.** The initial and renewal fee for a crematory is \$425. The late fee charge for a license renewal is \$100.

Subd. 6. **Alkaline hydrolysis facilities.** The initial and renewal fee for an alkaline hydrolysis facility is \$425. The late fee charge for a license renewal is \$100.

Subd. 7. **State government special revenue fund.** Fees collected by the commissioner under this section must be deposited in the state treasury and credited to the state government special revenue fund.

VI. Language has passed that will require a funeral provider accepting preneed funds to continue to complete an annual preneed report to the commissioner. Under the discretion of the commissioner, if a report is suspected to have irregularities and or possible violations the Commissioner will report the irregularities to the state auditor and or additional state agencies. The commissioner may also require a funeral provider to contract with and pay for an independent third party auditing firm to complete an independent audit.

**Minnesota Statutes 149A.97 Subdivision 7 now reads:**

Reports to commissioner. Every funeral provider lawfully doing business in Minnesota that accepts funds under subdivision 2 must make a complete annual report to the commissioner. The reports may be on forms provided by the commissioner or substantially similar forms containing, at least, identification and the state of each trust account, including all transactions involving principal and accrued interest, and must be filed by March 31 of the calendar year following the reporting year along with a filing fee of \$25 for each report. Fees shall be paid to the commissioner of management and budget, state of Minnesota, for deposit in the state government special revenue fund in the state treasury. Reports must be signed by an authorized representative of the funeral provider and notarized under oath. All reports to the commissioner shall be reviewed for account inaccuracies or possible violations of this section. If the commissioner has a reasonable belief to suspect that there are account irregularities or possible violations of this section, the commissioner shall report that belief, in a timely manner, to the state auditor or other state agencies as determined by the commissioner. The commissioner may require a funeral provider reporting preneed trust accounts under this section to arrange for and pay an independent third-party auditing firm to complete an audit of the preneed trust accounts every other year. The funeral provider shall report the findings of the audit to the commissioner by March 31 of the calendar year following the reporting year. This report is in addition to the annual report. The commissioner shall also file an annual letter with the state auditor disclosing whether or not any irregularities or possible violations were detected in review of the annual trust fund reports filed by the funeral providers. This letter shall be filed with the state auditor by May 31 of the calendar year following the reporting year.

If you have any questions regarding this legislative update please feel free to contact our office at 651-201-3829.

Gilbert Acevedo  
Mortuary Science Section  
Health Regulation Division  
85 East Seventh Place  
Saint Paul, MN 55164-0882