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**IDAPA 24
TITLE 08
CHAPTER 01**

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

000. LEGAL AUTHORITY (Rule 0).

The following rules have been adopted by the Idaho State Board of Morticians and the Chief, Bureau of Occupational Licenses in accordance with the provisions of Section 54-1106 and 54-1107, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (Rule 1).

These rules shall be cited as IDAPA 24.08.01, "Rules of the State Board of Morticians". (7-1-93)

002. WRITTEN INTERPRETATIONS (Rule 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-13-02)

003. ADMINISTRATIVE APPEALS (Rule 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-13-02)

004. INCORPORATION BY REFERENCE (Rule 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-13-02)

005. ADDRESS OF IDAHO BOARD OF MORTICIANS (Rule 5).

The office of the Board of Morticians is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is ibol@ibol.state.id.us. The Board's official web site is at www2.state.id.us/ibol/mor. (3-13-02)

006. PUBLIC RECORDS (Rule 6).

The records associated with the Board of Morticians are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-13-02)

007. -- 009. (RESERVED).

010. DEFINITIONS (Rule 10).

01. Board. The State Board of Morticians as prescribed in Section 54-1102, Idaho Code. (7-1-93)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-1106 and 67-2602, Idaho Code. (3-13-02)

011. -- 099. (RESERVED).

100. MEETINGS (Rule 100).

The board shall hold meetings on the third Tuesdays of July and January of each year. The annual election of officers will be held during the July meeting. The chairman of the board shall preside at all meetings, appoint all committees, and perform all the functions incidental to the office of chairman. (7-1-93)

101. -- 149. (RESERVED).

150. TIME OF EXAMINATIONS (Rule 150).

Examinations will be held semi-annually in Boise, on the third (3rd) Tuesday of July and January, or at other times or places as the Board may determine. (7-1-93)

151. -- 199. (RESERVED).

200. APPLICATION AND PHOTOGRAPH (Rule 200).

Application must be postmarked sixty (60) days prior to the date of examination, and must be accompanied by an unmounted passport photograph of the applicant, taken within three (3) months preceding the date of application. (3-13-02)

201. -- 249. (RESERVED).

250. MORTICIAN RESIDENT TRAINEE (Rule 250).

01. Definition. The term "Mortician Resident Trainee" as herein used is a person who is engaged in learning the practice of embalming and/or the profession of mortuary science. Training shall be understood to mean diligent attention to the subject matter in the course of regular and full-time paid employment. Full-time employment shall mean a minimum of thirty-six (36) hours per week for fifty (50) weeks per year within the mortuary where the sponsoring resident mortician is practicing. It shall be further required that at least three-fourths (3/4) of the training period consists of a sponsoring licensed mortician instructing and demonstrating practices and procedures to increase knowledge of the service performed by a mortician as defined in Chapter 11, Title 54-1102 Section A., Idaho Code. A Mortician Resident Trainee shall not sign a death certificate as provided under Idaho law. For the balance of the required hours it would be the responsibility of the sponsoring mortician, or his licensed appointee, to be immediately available for consultation with the trainee. All training must be served in the state of Idaho. (3-18-99)

02. Sponsoring Mortician. A practicing mortician within the state of Idaho who is duly registered as such with the Bureau of Occupational Licenses and assumes responsibility for the proper supervision and instruction of a "Resident Mortician Trainee". (7-1-93)

03. Eligibility To Be Licensed. No person shall be eligible to be licensed as a "Mortician Resident Trainee" who has practiced as a resident trainee or apprentice for a total cumulative period of more than two (2) years in the state of Idaho. For purposes of accounting for total cumulative training as a "Mortician Resident Trainee" the sponsoring mortician is required to notify the bureau at the beginning and termination of the training period. When a "Mortician Resident Trainee" has completed his training, he must proceed to qualify as a licensed "Mortician" within the following three (3) year period or show good reason for further delay. (7-1-93)

04. Resident Trainee Applicants To Qualify. (7-1-93)

- a.** Must be at least eighteen (18) years of age. (7-1-93)
- b.** Must be of good moral character. (7-1-93)
- c.** Must have graduated from an accredited high school or have received an equivalent education as determined by the standards set and established by the state board of education. (7-1-93)
- d.** A photo as specified in Section 200 above. (3-13-02)
- e.** The effective date of the resident training shall be determined by the board at its next meeting. In no case shall it be prior to the date the application, together with the required fees, are received in the office of Occupational License Bureau. (7-1-93)
- f.** Resident mortician training must be served under the direction of a qualified full time resident mortician licensed and practicing in Idaho. (7-1-93)

g. Complete resident training affidavits showing time served, the number of bodies embalmed. (7-1-93)

h. The applicant must appear in person before the board before licensure may be completed. (7-1-93)

05. Interruption In Training. An interruption in training of sixty (60) days or more constitutes

termination of training. (7-1-93)

251. -- 299. (RESERVED).

300. MORTICIAN APPLICATIONS AND EXAMINATION (Rule 300).

In order to be admitted to the mortician examination, the applicant must have completed the training period as prescribed by law and these rules, and meet the specific requirements for license as set forth in Section 54-1109 of the Idaho Code as follows: (7-1-93)

01. Age. Applicant must have attained the age of twenty-one (21) years by the time of examination. (7-1-93)

02. Moral Character. Must be of good moral character. (7-1-93)

03. Educational Requirements. Must have completed and received credit for at least sixty (60) semester hours or ninety (90) quarter hours instruction in a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4) of all such credits must be for courses in fields of liberal arts, business or science directly relating to the knowledge required to successfully compete in the field of mortuary science. In questionable cases the decision of the board shall be final. These requirements shall be in addition to and not considered a part of the graduation from an accredited embalming school. (7-1-93)

04. Photo. A photo as specified in Section 200 above. (7-1-93)

05. Embalming College. Have completed embalming college as required. The Idaho Board of Morticians will accept graduates only from schools accredited by the American Board of Funeral Service Education. (7-1-93)

06. Completion Of One Year As A Mortician Resident Trainee. Must have served one (1) year as required by statute as a mortician resident trainee and receive certification from his sponsoring mortician in Idaho. (7-1-93)

07. Payment Of Prescribed Application And Examination Fees. Payment of prescribed application and examination fees. (7-1-93)

301. SUBJECTS ON EXAM (Rule 301).

Appear for examination the following subjects or have passed the National Board Examination: (7-1-93)

01. Psychology. Psychology. (7-1-93)

02. Anatomy. Anatomy. (7-1-93)

03. Chemistry. Chemistry. (7-1-93)

04. Physiology. Physiology. (7-1-93)

05. Sanitary Science. Consists of the following: (7-1-93)

a. Bacteriology. (7-1-93)

b. Pathology. (7-1-93)

06. The Care, Disinfection, Preservation, Transportation Of, The Burial Or Other Final Disposition Of Human Remains. (7-1-93)

a. Embalming. (7-1-93)

- b. Restorative Art. (7-1-93)
- c. Mortuary Administration. (7-1-93)
- d. Funeral Directing. (7-1-93)
- 07. Laws Of The State Of Idaho.** The laws of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains. (7-1-93)
- 08. Rules Of The Department Of Public Health And/Or Public Welfare.** The rules of the Department of Public Health and/or Public Welfare relating to infectious diseases and quarantine. (7-1-93)
- 09. Demonstrate Proficiency As An Embalmer.** Demonstrate proficiency as an embalmer by operation on a cadaver. (7-1-93)
- 302. GRADING (Rule 302).**
The required average grade to pass the examination is seventy-five percent (75%). Provided further, that where the applicant has a mark of less than seventy percent (70%) in one (1) or more subjects, such applicant shall not be passed, notwithstanding that his average mark may be higher than seventy-five percent (75%), however, should the applicant apply for reexamination he may, by board approval, be required to retake only that portion of the examination which he failed in previous examination. (7-1-93)
- 303. -- 349. (RESERVED).**
- 350. ENDORSEMENT (Rule 350).**
Refer to Section 54-1109, Idaho Code, Subsections B and C. (7-1-93)
- 351. -- 399. (RESERVED).**
- 400. EXPIRATION OF LICENSE (Rule 400).**
All licenses shall become delinquent on June 30 of each year and will be cancelled on July 1 of the same year if not renewed by payment of the required fee. There will be no grace period. (7-1-93)
- 401. -- 449. (RESERVED).**
- 450. FUNERAL ESTABLISHMENT (Rule 450).**
 - 01. Branch Or Satellite Facility.** A newly licensed establishment operated as a branch or satellite facility must meet the same requirement for licensure as if it were operated independently. It will be required to provide an operating room and necessary equipment for embalming, a display room for caskets, a chapel where funeral or other religious ceremonies may be held and a room for viewing and visitation. (7-1-93)
 - 02. Change In Ownership Or Location.** Any change in the ownership or location of a funeral establishment shall constitute a new funeral establishment for the purposes of licensure. (7-1-93)
 - 03. Funeral Firm.** Every funeral firm in the state of Idaho and/or licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for the disposition of the dead human body at the time of said arrangements and prior to rendering that service or providing that merchandise, a written statement showing to the extent then known the following: (7-1-93)
 - a. The price of the service that the person or persons have selected and what is included therein. (7-1-93)
 - b. The prices of each of the supplementary items of service and/or merchandise requested. (7-1-93)
 - c. The amount involved for each of the items for which the firm will advance monies as an accommodation for the family. (7-1-93)

- d.** The method of payment. (7-1-93)
- e.** If the quoted price includes a basic component of a funeral or a part thereof which is not desired, then a credit thereof should be granted. (7-1-93)

451. -- 499. (RESERVED).

500. FEES (Rule 500).

- 01. Funeral Director.** Funeral Director - Eighty-five dollars (\$85). (3-13-02)
- 02. Funeral Establishment.** Funeral Establishment – One hundred twenty-five dollars (\$125) (original license/annual renewal). (3-13-02)
- 03. Mortician.** Mortician - Eighty-five dollars (\$85) (original license/annual renewal). (3-13-02)
- 04. Mortician Resident Trainee.** Mortician Resident Trainee - Fifty dollars (\$50) (original license/annual renewal). (3-13-02)
- 05. Application Fee.** Application Fee – One hundred dollars (\$100). (3-13-02)
- 06. Certificate Of Authority.** Certificate of Authority - Fifty dollars (\$50) (original certificate/annual renewal). (3-13-02)
- 07. Application For Reinstatement.** Application for reinstatement within five (5) years - Twenty-five dollars (\$25) reinstatement fee and annual renewal fees for back years (Reference Section 67-2614, Idaho Code). (7-1-93)
- 08. Maintenance Of Pre-Need Trust Accounts Fee.** Pursuant to Section 54-1134 D., Idaho Code, a fee not to exceed ten percent (10%) of the annual earned interest income may be charged for maintenance of pre-need trust accounts. (7-1-93)

501. DISCIPLINE (Rule 501).

- 01. Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed mortician for each violation of Section 54-1116, Idaho Code. (3-18-99)
- 02. Costs And Fees.** The Board may order a licensed mortician to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-1116, Idaho Code. (3-18-99)

502. -- 549. (RESERVED).

550. RULE MAKING HISTORY PRIOR TO JULY, 1993 (Rule 550).

Changes and additions to the Rules of the Idaho Board of Morticians - adopted to be effective February 1, 1976. Changes and additions to the Rules of the Idaho Board of Morticians - adopted March 29, 1993 and effective April 19, 1993. (7-1-93)

551. -- 999. (RESERVED).

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