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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. APPLICATIONS AND REQUIREMENTS (RULE 300).

In order to be admitted to the examination, the applicant must submit an application on a form approved by the Board with the required fees documenting proof of having 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: (3-16-04)

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 successful completion of an accredited embalming school for those pursuing licensure as a mortician. (3-16-04)

a. Applicants pursuing licensure as a mortician must also document successful completion of an embalming college accredited by the American Board of Funeral Service Education, Inc. or an embalming college approved by the Board. (3-16-04)

b. Applicants pursuing licensure as a funeral director must also document completion of at least fifteen (15) semester credit hours from a mortuary college accredited by the American Board of Funeral Service Education, Inc., or document such credits as may otherwise be approved by the Board. An approved course of study shall include business law, psychology, sociology, funeral service counseling, funeral service management and other classes that relate to conducting funeral business. (3-16-04)

04. Completion of One Year as a Resident Trainee. Must have served one (1) year as required by statute as a resident trainee and receive certification from a sponsoring mortician in Idaho. (3-16-04)

a. Trainees pursuing licensure as a mortician must document having assisted in embalming at least twenty-five (25) dead human bodies under the supervision of a sponsoring mortician. (3-16-04)

b. Applicants pursuing licensure as a funeral director must document having assisted in making at least twenty-five (25) funeral arrangements and in conducting twenty-five (25) funerals under the supervision of a sponsoring mortician. (3-16-04)

05. Examination. Each applicant for mortician or funeral director licensure must successfully pass the entire examination approved by the Board. (3-16-04)

301. -- 324. (RESERVED).

325. APPROVED EXAMINATION (RULE 325).

Applicants for licensure shall successfully pass the examinations set forth below. (3-16-04)

01. Mortician Examination. The Mortician examination shall consist of: (3-16-04)

a. All sections of the International Conference of Funeral Service Examining Board's National Board Examination; and (3-16-04)

b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection,

preservation, burial, transportation, or other final disposition of human remains; and (3-16-04)

c. The examination of the rules of the Department of Health and Welfare relating to infectious diseases and quarantine. (3-16-04)

02. Funeral Director. The funeral director examination shall consist of: (3-16-04)

a. The Arts section of the International Conference of Funeral Service Examination Board's National Board Examination; and (3-16-04)

b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and (3-16-04)

c. The examination of the rules of the Idaho Department of Health and Welfare relating to infectious diseases and quarantine. (3-16-04)

03. Grading. The required average grade to pass the examination is seventy-five percent (75%). Provided further, that where the applicant has a score 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. (3-16-04)

326. -- 349. (RESERVED).

350. ENDORSEMENT (RULE 350).
Refer to Section 54-1109(3) and (4), Idaho Code. (3-16-04)

351. -- 399. (RESERVED).

400. EXPIRATION OF LICENSE (RULE 400).
All licenses shall expire each year and will be cancelled if not renewed by payment of the required fee before the birthdate of the license holder. There will be no grace period. (3-16-04)

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. APPLICATION FOR LICENSE TO OPERATE A CREMATORY (RULE 451).

01. Contents of Application. Each applicant for a license to operate a crematory in Idaho shall supply to the Idaho Board of Morticians the following information: (3-16-04)

a. Name and address of corporation or firm; and (3-16-04)

b. Number of retorts; and (3-16-04)

c. Signature of applicant; and (3-16-04)

d. Date of signature. (3-16-04)

02. Forms Issued by the Board. The required "Application for License to Operate a Crematory" will be issued in blank and be made available to applicants by the Board. (3-16-04)

03. Equipment Listing, Drawing Approval and Air Quality Standards. As a part of the initial application for licensure, the applicant must submit the following to the Board: (3-16-04)

a. Detailed information regarding the retort specifically documenting that the retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code; (3-16-04)

b. One (1) set of blueprints for the proposed new construction or remodeling where the retort is to be located. The blueprints must be approved by the local building department as being in compliance with applicable building codes and ordinances; and (3-16-04)

c. A copy of the permit issued by the Department of Environmental Quality indicating compliance with air quality standards. (3-16-04)

452. CREMATORY MINIMUM STANDARDS (RULE 452).

01. Reasonable Sanitation and Safety Required. In the interest of the protection of the public welfare, no license will be issued on an application to operate a crematory unless it is apparent that the crematory can, and will be operated in a reasonably sanitary and safe manner, free from substantial annoyance to the public. (3-16-04)

02. Reduction of Cremated Remains. No crematory will be licensed or operated unless it is capable of reducing human remains to cremains containing not more than five percent (5%) of the weight of the body immediately after death. (3-16-04)

03. Delay Before Cremation. No dead human body, regardless of cause of death, is to be cremated, nor is actual cremation of such a body to be commenced, unless the county coroner in the county in which the death occurred gives his written authorization to cremate the body. (3-16-04)

04. Embalming. If a dead human body is to be held longer than twenty-four (24) hours prior to cremation, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until cremated. No body can be held longer than fourteen (14) days after death prior to cremation unless there is a written request from the next-of-kin for holding the body. (3-16-04)

05. Casket Not Necessary. It is not necessary for the body to be in a casket for cremation to take place. (3-16-04)

- a. This is not to be construed to mean that the crematory must cremate without a casket; and (3-16-04)
- b. It will not prevent the operators from developing their own internal requirements for aesthetic or sanitary reasons. (3-16-04)

453. RECEIPT FOR BODIES TO BE CREMATED (RULE 453).

The following must be performed by the operator of a crematory upon receipt of a human body for cremation: (3-16-04)

- 01. Provide a Receipt.** A receipt must be delivered to the licensed mortician or funeral director, his agent, or another person who delivers such body to the crematory. (3-16-04)
- 02. Contents of Receipt.** The receipt must show: (3-16-04)
 - a. The name of the decedent whose body was received; and (3-16-04)
 - b. The date on which that body was received; and (3-16-04)
 - c. The place where that body was received; and (3-16-04)
 - d. The name and address of the funeral establishment from whom that body was received; and (3-16-04)
 - e. The name and address of the person, or the names and addresses of the persons, if more than one (1), who actually delivers the body. (3-16-04)

454. RECORDS OF CREMATION OF BODIES (RULE 454).

- 01. Content of Record.** Each crematory must maintain a record of each cremation of human remains, all in the form of that crematory log as adopted by the board, disclosing: (3-16-04)
 - a. The name of the decedent whose body was cremated; and (3-16-04)
 - b. The name and address of the person, or names and addresses of the persons if more than one (1), authorizing the cremation of that body as received by the crematory or its representative; and (3-16-04)
 - c. The date upon which that body was received by the crematory; and (3-16-04)
 - d. The place where that body was received; and (3-16-04)
 - e. A statement as to whether or not the body was embalmed; and (3-16-04)
 - f. The date of the cremation of that body; and (3-16-04)
 - g. The subsequent disposal of the cremated remains of that body by the crematory. (3-16-04)
- 02. Responsibility for Record.** Such record must be made as soon as reasonably possible after the cremation and must be dated and signed by the owner and operator of the crematory and by the licensed mortician who supervised or was otherwise directly responsible for the cremation. (3-16-04)
- 03. Inspection by the Board.** Such records must be maintained at the crematory and open for inspection at any reasonable time by the Board or its designated representatives. (3-16-04)

455. CONFIDENTIALITY OF RECORDS (RULE 455).

Any disclosure of information obtained by the Board in connection with licensure activities and records of funerals or

cremations must comply with Idaho Public Records Act 9-337 et seq., Idaho Code. (3-16-04)

456. -- 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. Crematory Establishment. Crematory Establishment - Two hundred dollars (\$200) (original license/annual renewal). (3-16-04)

04. Mortician. Mortician - Eighty-five dollars (\$85) (original license/annual renewal). (3-13-02)

05. Mortician Resident Trainee. Mortician Resident Trainee - Fifty dollars (\$50) (original license/annual renewal). (3-13-02)

06. Application Fee. Application Fee – One hundred dollars (\$100). (3-13-02)

07. Certificate of Authority. Certificate of Authority - Fifty dollars (\$50) (original certificate/annual renewal). (3-13-02)

08. 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)

09. 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. RULEMAKING 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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