

Table of Contents

24.08.01 - Rules of the State Board of Morticians

000. Legal Authority (Rule 0).	2
001. Title And Scope (Rule 1).	2
002. Written Interpretations (Rule 2).	2
003. Administrative Appeals (Rule 3).	2
004. Incorporation By Reference (Rule 4).	2
005. Address Of Idaho Board Of Morticians (Rule 5).	2
006. Public Records (Rule 6).	2
007. -- 009. (Reserved).	2
010. Definitions (Rule 10).	2
011. -- 099. (Reserved).	2
100. Meetings (Rule 100).	2
101. -- 149. (Reserved).	3
150. Time Of Examinations (Rule 150).	3
151. -- 199. (Reserved).	3
200. Application And Photograph (Rule 200).	3
201. -- 249. (Reserved).	3
250. Resident Trainee (Rule 250).	3
251. -- 299. (Reserved).	4
300. Applications And Examination (Rule 300).	4
301. -- 324. (Reserved).	4
325. Approved Examination (Rule 325).	5
326. -- 349. (Reserved).	5
350. Endorsement (Rule 350).	5
351. -- 399. (Reserved).	5
400. Expiration Of License (Rule 400).	5
401. -- 424. (Reserved).	5
425. Maintenance Of Pre-Need Trust Account Fees (Rule 425).	5
426. -- 449. (Reserved).	5
450. Funeral Establishment (Rule 450).	5
451. Application For License To Operate A Crematory (Rule 451).	6
452. Minimum Standards (Rule 452).	6
453. Receipt For Bodies To Be Cremated (Rule 453).	7
454. Records Of Bodies (Rule 454).	7
455. Responsibility, Inspection, And Confidentiality Of Records (Rule 455).	8
456. -- 499. (Reserved).	8
500. Fees (Rule 500).	8
501. Discipline (Rule 501).	8
502. -- 549. (Reserved).	8
550. Rulemaking History Prior To July, 1993 (Rule 550).	8
551. -- 999. (Reserved).	8

**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 mor@ibol.idaho.gov. The Board's official web site is at <https://www.ibol.idaho.gov/mor.htm>. (4-11-06)

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)

03. Funeral Establishment. Funeral Establishment means a place of business at a specific street address or location devoted to the embalming and care and preparation for burial or disposal of dead human bodies including all portions of such business premises and all tools, instruments and supplies used in the preparation and embalming of dead human bodies for burial or disposal, and including any chapel or other facility in which funeral or other religious services may be conducted. (4-11-06)

04. Resident Trainee. The term "Resident Trainee" is defined as a person who is engaged in preparing to become licensed as a mortician or funeral director, and who practices under the direct and immediate personal supervision of a licensed mortician. (4-11-06)

011. -- 099. (RESERVED).

100. MEETINGS (RULE 100).

The board shall hold meetings no less than annually at such times and places as determined by the board. The annual election of chairman will be held during the first meeting of each fiscal year. The chairman of the board shall preside at all meetings, appoint all committees, and perform all the functions incidental to the office of chairman. (4-11-06)

101. -- 149. (RESERVED).

150. TIME OF EXAMINATIONS (RULE 150).

Examinations will be held no less than semi-annually at such times or places as the Board may determine. (4-11-06)

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. RESIDENT TRAINEE (RULE 250).

01. Definition. The term "Resident Trainee" as herein used is a person who is engaged in learning the practice of embalming and/or the profession of mortuary arts and sciences. 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 or a funeral director as defined in Chapter 11, Title 54, Idaho Code. A 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. (4-11-06)

02. Sponsoring Mortician. A practicing mortician within the state of Idaho who is duly registered as such with the Bureau and assumes responsibility for the proper supervision and instruction of a "Resident Trainee". (4-11-06)

03. Eligibility to Be Licensed. No person shall be eligible to be licensed as a "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 "Resident Trainee" the sponsoring mortician is required to notify the bureau at the beginning and termination of the training period. When a "Resident Trainee" has completed training, qualification for licensure as a licensed "Mortician" or "Funeral Director" must be completed within the following three (3) year period or said trainee must show good reason for further delay. (4-11-06)

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 the Bureau. (4-11-06)

f. Resident training must be served under the direction of a qualified full time resident mortician licensed and practicing in Idaho. (4-11-06)

g. Applicants pursuing a mortician license must complete resident training affidavits showing time served, the number of bodies embalmed. (4-11-06)

h. Applicants pursuing a funeral director license must complete resident training affidavits of conducting and/or providing assistance in twenty-five (25) funerals under supervision. (4-11-06)

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 EXAMINATION (RULE 300).

In order to be admitted to the examination, the applicant must submit a completed application on forms provided by the bureau and provide all requested documentation including 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: (4-11-06)

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. Mortician Educational Requirements. Applicants for a mortician license 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 completion of and graduation from a mortuary college accredited by the American Board of Funeral Service Education that includes an embalming course of study. (4-11-06)

04. Funeral Director Educational Requirements. Applicants for a funeral director license must have completed and received at least sixty (60) semester hours' or ninety (90) quarter-hours' instruction from 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 the fields of liberal arts, business or science as defined and specified by the board. These requirements shall be in addition to completion of at least fifteen (15) semester credit hours or the equivalent from a mortuary college accredited by the American board of funeral service education, inc., or such credits as are otherwise approved by the board, with course of study to include business law, psychology, sociology, funeral service counseling, funeral service management and other classes that relate to conducting funeral business. (4-11-06)

05. Photo. A photo as specified in Section 200 of these rules. (4-11-06)

06. 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. (4-11-06)

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. (4-11-06)

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. (4-11-06)

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. -- 424. (RESERVED).

425. MAINTENANCE OF PRE-NEED TRUST ACCOUNT FEES (RULE 425).

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. (4-11-06)

426. -- 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. 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 funeral establishment or crematory unless it is apparent that the establishment or crematory can and will be operated in a reasonably sanitary and safe manner. (4-11-06)

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 burial, cremation, or other disposition, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until buried, cremated, or otherwise disposed of. (4-11-06)

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 BODIES (RULE 454).

01. Content of Record. Each funeral establishment and crematory must maintain a record of each burial, cremation, or other disposition of human remains, disclosing: (4-11-06)

a. The name of the decedent; and (4-11-06)

b. The name and address of the person, or names and addresses of the persons if more than one (1), authorizing the burial, cremation, or other disposition of that body; and (4-11-06)

c. A statement as to whether or not the body was embalmed; and (3-16-04)

d. The date of the burial, cremation, or other disposition of that body; and (4-11-06)

e. The subsequent disposal of any cremated remains. (4-11-06)

455. RESPONSIBILITY, INSPECTION, AND CONFIDENTIALITY OF RECORDS (RULE 455).

01. Responsibility for Record. Records regarding the burial, cremation, and other disposition of human bodies must be made as soon as reasonably possible after the burial, cremation, or other disposition and must be dated and signed by the licensed mortician who supervised or was otherwise directly responsible for the burial, cremation, or other disposition. (4-11-06)

02. Inspection of Records. Records regarding the receipt, burial, cremation, and other disposition of human bodies must be maintained at the funeral establishment and crematory and be open for inspection at any reasonable time by the Board or its designated representatives. (4-11-06)

03. Confidentiality of Records. 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. (4-11-06)

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. Resident Trainee. Resident trainee - fifty dollars (\$50) (original license/annual renewal). (4-11-06)

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)

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).

Subject Index

A

Age, Applications & Requirements 4
Application & Photograph 3
Application Fee 8
Application For License To Operate A
Crematory 6
Applications & Requirements 4
Approved Examination 5

B

Branch or Satellite Facility, Funeral
Establishment 5

C

Casket Not Necessary, Crematory 7
Change in Ownership or Location,
Funeral Establishment 6
Civil Fine 8
Completion of One Year as a Resident
Trainee 4
Content of Record, Each Crematory
Must Maintain a Record 7
Contents of Application, License to
Operate a Crematory 6
Crematory Establishment, Fee 8
Crematory Minimum Standards 6

D

Definitions, IDAPA 24.08.01, Rules Of
The State Board Of Morticians 2
Delay Before Cremation 7
Discipline 8

E

Eligibility to be Licensed, Resident
Trainee 3
Embalming, Crematory Minimum
Standards 7
Endorsement 5
Equipment Listing, Drawing Approval
& Air Quality Standards, License to
Operate A Crematory 6
Expiration Of License 5

F

Fees 8
Forms Issued by the Board, License to
Operate a Crematory 6
Funeral Director Educational
Requirements 4
Funeral Director, Fee 8
Funeral Establishment 5
Funeral Establishment, Fee 8
Funeral Firm, Funeral
Establishment 6

G

Grading 5

I

Interruption in Training, Resident
Trainee 4

M

Maintenance Of Pre-Need Trust
Account Fees 5
Meetings 2
Moral Character, Applications &
Requirements 4
Mortician Educational
Requirements 4
Mortician, Fee 8

P

Photo, Applications & Examination 4
Provide a Receipt, Receipt for Bodies to
be Cremated 7

R

Reasonable Sanitation & Safety
Required, Crematory 6
Receipt For Bodies To Be Cremated 7
Records Of Bodies 7
Reduction of Ashes, Crematory
Minimum Standards 7
Reinstatement, Fee 8
Resident Trainee 3
Resident Trainee Applicants to
Qualify 3
Resident Trainee, Fee 8
Responsibility, Inspection, &
Confidentiality Of Records 8

S

Sponsoring Mortician, Resident
Trainee 3

T

Time Of Examinations 3