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ARCHIVE

**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, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is bor@ibol.idaho.gov. The Board's official website is <http://www.ibol.idaho.gov>. (3-29-10)

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).

A Resident Trainee is a person who is licensed to train, under the direct and immediate supervision of a sponsoring mortician, to become a licensed mortician or funeral director. (4-7-11)

01. Training Requirements. (4-7-11)

a. Training requires the Resident Trainee's diligent attention to the subject matter in the course of regular and full-time paid employment. Full-time employment requires that the Resident Trainee be employed for at least thirty-six (36) hours per week for fifty (50) weeks per year within the mortuary where the Resident Trainee's sponsoring mortician is the practicing, resident mortician. (4-7-11)

i. At least three-fourths (3/4) of the Resident Trainee's training must consist of the sponsoring mortician instructing and demonstrating practices and procedures to increase the Resident Trainee's knowledge of the service performed by a mortician or a funeral director as defined in Chapter 11, Title 54, Idaho Code. (4-7-11)

ii. For the balance of the required hours, the sponsoring mortician, or his licensed appointee, must be immediately available to consult with the Resident Trainee. (4-7-11)

b. All training must occur within Idaho. (4-7-11)

c. A Resident Trainee shall not sign a death certificate. (4-7-11)

02. Sponsoring Mortician. A sponsoring mortician must: (4-7-11)

a. Be an Idaho-licensed mortician who practices as a full-time resident mortician in Idaho. (4-7-11)

b. Not serve as the sponsoring mortician for more than two (2) "Resident Trainees at any given time." (4-7-11)

c. Supervise and instruct the Resident Trainee, and provide demonstrations for and consultations to the Resident Trainee, as described in Subsection 250.01, of this rule. (4-7-11)

d. Complete and co-sign, with the Resident Trainee, quarterly and final reports. These reports must be completed on forms approved by the Board and document the information described in Subparagraphs 250.04.c. and 250.04.d., of this rule. The sponsoring mortician must promptly submit a report after the period of time covered by the report ends. For example, the sponsoring mortician must promptly submit the first quarter report after the first quarter ends, the second quarter report after the second quarter ends, etc. (4-7-11)

e. Promptly notify the Board in writing if a Resident Trainee's training is terminated, including termination due to interruption as specified in Subsection 250.05, of this rule and submit a final report documenting training up to the termination date. (4-7-11)

03. Eligibility to Be Licensed. A person may not be licensed as a "Resident Trainee" if the person has practiced as a Resident Trainee or apprentice for a total cumulative period of more than two (2) years in Idaho, unless approved by the Board for good cause. For purposes of accounting for total cumulative training as a Resident Trainee, the sponsoring mortician must notify the Bureau at the beginning and termination of the training period. When a Resident Trainee completes training, the Resident Trainee must complete the remaining qualifications for licensure as a mortician or funeral director within the following three (3) years or show good reason for further delay. (4-7-11)

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

a. An applicant for a Resident Trainee license must apply on Board-approved forms and pay the appropriate fee. The applicant must: (4-7-11)

- i.** Be at least eighteen (18) years of age; (4-7-11)
- ii.** Be of good moral character; (4-7-11)
- iii.** 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; (4-7-11)
- iv.** Provide a photo as specified in Section 200 of this rule; and (4-7-11)
- v.** Identify the sponsoring mortician and the funeral establishment in which the applicant will train. The applicant must promptly notify the Board in writing if this information changes during the training period. (4-7-11)

b. 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)

c. Resident Trainees pursuing a mortician license must complete and co-sign, with the sponsoring mortician, quarterly and final reports documenting that the applicant has assisted in embalming at least twenty-five (25) dead human bodies and assisted in making at least twenty-five (25) funeral arrangements and in conducting at least twenty-five (25) funerals under supervision. (4-7-11)

d. Resident Trainees pursuing a funeral director license must complete and co-sign, with the sponsoring mortician, quarterly and final reports documenting that the applicant has assisted in making at least twenty-five (25) funeral arrangements and in conducting at least twenty-five (25) funerals under supervision. (4-7-11)

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.** An applicant pursuing licensure as a mortician must document on Board-approved forms that the applicant has assisted in embalming at least twenty-five (25) dead human bodies and assisted in making at least twenty-five (25) funeral arrangements and in conducting at least twenty-five (25) funerals under the supervision of a sponsoring mortician. (4-7-11)
- b.** An applicant pursuing licensure as a funeral director must document on Board-approved forms that the applicant has assisted in making at least twenty-five (25) funeral arrangements and in conducting twenty-five (25) funerals under the supervision of a sponsoring mortician. (4-7-11)
- 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 State Based Examination conducted by the International Conference of Funeral Service Examination Board; and (4-2-08)
- 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. -- 409. (RESERVED)

410. CONTINUING EDUCATION (RULE 410).
In order to protect the public health and safety and promote the public welfare, the Board has adopted the following rules for continuing education. (3-29-10)

01. Continuing Education (CE) Requirement. Each Idaho licensed mortician and funeral director must successfully complete a minimum of eight (8) hours of continuing education annually for license renewal. (3-29-10)

a. Beginning July 1, 2011, each licensee must certify on their renewal application form that compliance with the annual CE requirements has been met during the previous twelve (12) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements. (3-29-10)

b. A licensee is considered to have satisfied the CE requirements for the first renewal of the initial license. (3-29-10)

c. After July 1, 2011, and prior to reinstatement of a license lapsed, canceled, or otherwise non-renewed for less than five (5) years, the applicant must provide proof of attendance of eight (8) hours of continuing education for the previous twelve (12) months. A license that has lapsed, been canceled, or otherwise not renewed for more than five (5) years may be reinstated in accordance with Section 67-2614, Idaho Code. (3-29-10)

02. Credit. Continuing education credit will only be given for actual time in attendance or for the time spent participating in the educational activity. One (1) hour of continuing education is equal to sixty (60) minutes. Courses taken by correspondence or by computer on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. Only four (4) hours of the required continuing education may be from correspondence, computer on-line, or self-study in each renewal period. The remaining hours must be in an interactive setting that provides the opportunity for participants to communicate directly with the instructor. Each licensee must maintain proof of attendance or successful completion documentation of all continuing education courses for a period of three (3) years. (3-29-10)

a. A licensee may carryover a maximum of eight (8) hours of continuing education to meet the next year's continuing education requirement. Only four (4) hours may be carried over from correspondence, computer on-line, or self-study. (3-29-10)

03. Providers/Sponsors/Subjects of Continuing Education. The continuing education must be provided by a college or university, a national or state association, trade group, or other person or entity approved by the Board and must be germane to the license held. Continuing education may include, but shall not be limited to, the following subject areas: (3-29-10)

a. Public Health and Technical. This includes, but is not limited to, embalming, restorative art, after care, organ procurement, sanitation, and infection control. (3-29-10)

b. Business Management. This includes, but is not limited to, computer application, marketing, personnel management, accounting, or comparable subjects. (3-29-10)

c. Social Science. This includes, but is not limited to, communication skills (both written and oral), sociological factors, counseling, grief psychology, funeral customs, or comparable subjects. (3-29-10)

d. Legal, Ethical, Regulatory. This includes, but is not limited to, OSHA (Occupational Safety and Health Association), FTC (Federal Trade Commission), ethical issues, legal interpretations, or comparable subjects. (3-29-10)

04. Verification of Attendance. Each licensee must maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. (3-29-10)

05. Failure to Fulfill the Continuing Education Requirements. The license will not be renewed for a licensee who fails to certify compliance with CE requirements. A licensee who makes a false attestation regarding compliance with the CE requirements is subject to disciplinary action by the Board. (3-29-10)

06. Special Exemption. The Board has authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. Each licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. Request for special exemption must be made prior to licensure renewal. (3-29-10)

411. -- 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 AND CREMATORY ESTABLISHMENT (RULE 450).

All applicants for establishment license shall submit a completed application on a form approved by the Board. All newly licensed establishments and all branch or satellite facilities must meet the same requirements for licensure. (4-2-08)

01. Contents of Application. Each applicant for a license to operate a funeral establishment or crematory establishment in Idaho shall document the following: (4-2-08)

a. Name and address of owner whether individual or entity; and (4-2-08)

b. Notarized signature of applicant or authorized agent; and (4-2-08)

c. Name and license number of responsible licensee; and (4-2-08)

d. Other such information as the board may require. (4-2-08)

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 Establishment. All funeral establishments shall be required to provide each of the following: (4-2-08)

- a.** An operating room and necessary equipment for embalming; (4-2-08)
- b.** A selection room for caskets and merchandise which may include video, catalogs, and electronic depiction of caskets and merchandise; (4-2-08)
- c.** A chapel where funeral or other religious ceremonies may be held; and (4-2-08)
- d.** A room for viewing and visitation. (4-2-08)

04. 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)

05. Crematory Establishment. All crematory establishments shall be required to provide each of the following: (4-2-08)

- a.** Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code; and (4-2-08)
- 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. (4-2-08)

451. (RESERVED)

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)

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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