

## Idaho Board of Morticians

### Board/Commission Members:

- Craig L Geary, Shelley – Chair
- Steve Gordon, Boise
- James R. Sommer, Twin Falls – Public Member

**Board/Commission Composition:** The Board consists of three members: two (2) licensed morticians, and one (1) public member. Board members serve a term of three (3) years. [Idaho Code § 54-1105](#)

**Operating costs per licensee: \$130.84.** This number represents the dollar amount required annually to serve each licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, inspection and investigative services.

**Total number** of current licensees in Idaho on May 19, 2018: **435**.

For the Idaho State Board of Morticians, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **16 days**. For all licenses, **76.9 percent** were issued the **same day**. The **average time** from complete application to issuing a license was **2.7 days**. The Board issued **16 licenses** between May 19, 2017 and May 19, 2018.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#)

Idaho State Board of Morticians

**A. Index of Statute, Rule, and Policy\* Requirements for Licensure and Renewal**

		Statute <a href="#">Title 54, Chapter 11</a>	Rule <a href="#">IDAPA 24.08.01</a>	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Mortician	Issuance for Initial License	<a href="#">I.C. § 54-1109(1)</a>	<a href="#">24.08.01.300</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-1116 and § 67-2614</a>	<a href="#">\$100 Application Fee \$85 License Fee</a>
	Renewal Requirements	<a href="#">I.C. § 54-1115A</a>	<a href="#">24.08.01.400 24.08.01.410</a>	*		<a href="#">I.C. § 54-1116 and § 67-2614</a>	<a href="#">\$85 Renewal Fee</a>
Funeral Director	Issuance for Initial License	<a href="#">I.C. § 54-1109(2)</a>	<a href="#">24.08.01.300</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-1116 and § 67-2614</a>	<a href="#">\$100 Application Fee \$85 License Fee</a>
	Renewal Requirements	<a href="#">I.C. § 54-1115A</a>	<a href="#">24.08.01.400 24.08.01.410</a>	*		<a href="#">I.C. § 54-1116 and § 67-2614</a>	<a href="#">\$85 Renewal Fee</a>
Funeral Establish- ment	Issuance for Initial License	<a href="#">I.C. § 54-1111</a>	<a href="#">24.08.01.450</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-1116 and § 67-2614</a>	<a href="#">\$100 Application Fee \$125 License Fee</a>
	Renewal Requirements	<a href="#">I.C. § 54-1115A</a>	<a href="#">24.08.01.400</a>	*		<a href="#">I.C. § 54-1116 and § 67-2614</a>	<a href="#">\$125 Renewal Fee</a>

*\*All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		Statute <a href="#">Title 54, Chapter 11</a>	Rule <a href="#">IDAPA 24.08.01</a>	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Crematory License	Issuance for Initial License	I.C. <a href="#">§ 54-1111</a>	<a href="#">24.08.01.450</a>	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$100 Application Fee</a> <a href="#">\$200 License Fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1115A</a>	<a href="#">24.08.01.400</a>	*		I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$200 Renewal Fee</a>
Mortician Resident Trainee	Issuance for Initial License	I.C. <a href="#">§ 54-1112</a>	<a href="#">24.08.01.250</a>	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$100 Application Fee</a> <a href="#">\$50 License Fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1115A</a>	<a href="#">24.08.01.400</a>	*		I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$50 Renewal Fee</a>
Funeral Director Trainee Permit	Issuance for Initial License	I.C. <a href="#">§ 54-1112</a>	<a href="#">24.08.01.250</a>	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$100 Application Fee</a> <a href="#">\$50 License Fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1115A</a>	<a href="#">24.08.01.400</a>	*		I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$50 Renewal Fee</a>
Certificate of Authority	Issuance for Initial License	I.C. <a href="#">§ 54-1132</a>	N/A	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$100 Application Fee</a> <a href="#">\$50 License Fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1115A</a>	N/A	*		I.C. <a href="#">§ 54-1116</a> and <a href="#">§ 67-2614</a>	<a href="#">\$50 Renewal Fee</a>

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**B. Applications and Renewals Denied, May 19, 2017-May 19, 2018**

Refusal to Issue Initial License [Total Number: 0 ]

	Statutory Basis	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0 ]

	Statutory Basis	Summary of Factual Basis
	None	

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### C. Disciplinary Actions in the Last Five (5) Years\*\*

The Idaho State Board of Morticians received **66 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **44 complaints were closed** by the Board with no disciplinary action; **17 resulted in disciplinary action**; **1 remained under investigation**; and **4 were pending legal review**.

*\*\*The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action.*

Case No.	Date of Final Action	Action Taken	Statutory Basis	Factual Basis
None				

**D. Changes or Attempted Changes in Last Five (5) Years to Eliminate Barriers to Entry**

Law and Rule

Session	Legislation or Rule	Summary
2014	Docket <a href="#">24-0801-1301</a>	The Board of Morticians has worked with the Idaho Funeral Service Association to modernize its rules by allowing alkaline hydrolysis as a new technology in the cremation process, and to clarify that funeral directors can sign certain records.
2016	Docket <a href="#">24-0801-1501</a>	The proposed rule does two things: It gives the individual applicant the ability to show good cause in order to keep their application active after a period of time has passed. It gives the Board an opportunity to close an application file if there has been no activity for 12 consecutive months, and the Board provides written notice. It also provides more flexibility to the facility applicant to arrange a walk through inspection of the facility within six months of the Board’s review of its application.
2016	<a href="#">House Bill 367</a>	One of the qualifications to be licensed as a Mortician or Funeral Director is that an individual must obtain one year of supervised experience as a resident trainee. During their supervised experience, a funeral director must assist in conducting 25 funerals and a mortician trainee must also assist in 25 embalmings. The bill allows additional time – three years – in which a person may serve as a resident trainee in order to meet the requirement. The Board may extend this three-year period for good cause.
2016	<a href="#">House Bill 369</a>	This bill amends the law relating to the sale of pre-need funeral goods and services by a Funeral Director or Mortician. Under Idaho law, only a funeral director or mortician may sell funeral goods or services. Pre-need refers to buying funeral goods and services for future use, not an immediate use. This change requires that morticians and funeral directors identify which funeral establishment is responsible to provide funeral goods or services at the time they are needed, and to maintain all documentation regarding pre-arrangement sales made or sold by morticians or funeral directors. This resolved the issue of who is responsible for the documentation for services in the event the selling mortician or funeral director moves out of state or dies. Additionally, this change provided clarification to the public regarding which establishment is ultimately responsible to provide the goods and services when they are needed.

Law and Rule (Continued)

2017	<a href="#">House Bill 120</a>	In response to a request from a licensee, the Board has worked with the Funeral Services Association to add a provision to allow morticians or funeral directions to obtain an inactive license. An inactive license has a reduced fee and continuing education is not required unless the license is converted to active status.
2017	Docket <a href="#">24-0801-1601</a>	The 2016 Legislature passed <a href="#">House Bill 367</a> which extends the length of time a Resident Trainee can practice from two (2) years to three (3) years under a permit. Rule 250 is being amended to reflect current law by changing the length of time that a resident trainee can hold a permit from two (2) years to three (3) years.
2018	Docket <a href="#">24-0801-1701</a>	The 2017 Legislature has approved <a href="#">House Bill 120</a> which was the Board's legislation that created inactive licenses for morticians and funeral directors. <a href="#">Rule 380</a> sets the terms under which a mortician or a funeral director may request inactive status, and specifies the steps required for an inactive license holder to return to active status. <a href="#">Rule 500</a> establishes an inactive license and renewal fee of \$40.

Additional Barriers Eliminated/Opportunities Provided

Date	Policy	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p><a href="#">I.C. § 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p><a href="#">I.C. § 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and are on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>
2015	<a href="#">I.C. § 67-2614</a>	<p>This change allows boards to use the law to set its reinstatement fee, or to set a reinstatement fee by rule. It eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarifies the continuing education required to reinstate a license or registration.</p> <p><b>Impact:</b> Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduces barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency.</p>

Additional Barriers Eliminated/Opportunities Provided (Continued)

2010	<a href="#">House Bill 426</a>	This bill will remove members of the Idaho State Board of Morticians from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I. C. <a href="#">§ 59-509(g-m)</a> .
2006	Docket <a href="#">24-0801-0501</a>	<p>The jurisprudence exam is scheduled as needed. Prior to 2006, the exam was held in Boise on the third (3<sup>rd</sup>) Tuesday of July and January. Since 2006, the Board, by policy, has directed staff to schedule exams as needed. The test is now offered on demand around the state.</p> <p><b>Impact:</b></p> <ol style="list-style-type: none"> <li>1. Students may take the jurisprudence exam upon request rather than wait until one of two times per year.</li> <li>2. Students no longer have to travel to Boise from around the State to take the exam, but may take the exam in the area where they live or work, decreasing travel time and expense.</li> </ol>

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### **E. Assessment of Public Interest**

The Idaho State Board of Morticians is charged with the duty to regulate, license, and supervise funeral homes, crematories, Morticians, and Funeral Directors in the State of Idaho. The Board's primary responsibility is to protect public health, safety, and welfare through licensure and enforcement of Idaho law.

Idaho families entrust their departed loved ones to Funeral Directors and Morticians for preparation of the body and final disposition by way of burial or cremation. Licensees serve the public interest by having the training and facilities to safely, compassionately, and ethically prepare and make final disposition of the deceased. Public health and safety is critical, especially when the deceased suffered from an infectious disease process which could be transmitted to the Funeral Director or Mortician, the funeral home staff, or the family and public coming into the funeral home if all safeguards are not followed.

The Board of Morticians ensures that licensees fully comply with all applicable public health and safety laws and regulations relating to the preparation and disposition of dead human bodies. In addition, the Board ensures that all licensees interact with local elected officials (sheriffs, county commissioners and coroners), and with all law enforcement, professionally and in accordance with Idaho law. Finally, the Board ensures that all licensees timely and accurately complete and file death records with the Bureau of Vital Statistics as required by Idaho law.

**F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. The Board has been approached about the need to license individuals who remove human remains. The Board believes that removal should be left to the licensed resident Mortician to monitor.
2. Review endorsement pathways to licensure in I.C. [§ 54-1109\(4\)](#).
3. Review I.C. [§ 54-1109\(1\) and \(2\)](#) to assess educational requirements for licensure.
4. Review the language in I.C. [§ 54-1111 \(4\)](#) to consider extending the timeframe (as opposed to immediately) to find and hire a resident Mortician in the case of resignation or termination before cancelling the establishment license. Additionally, consider revising the timeframe to decrease the amount of time, from two years to a time certain, that the Board deems reasonable in which to replace a resident Mortician in the case of death.
5. Review continuing education requirements for license renewal.
6. Delete IDAPA rule 550. It is unnecessary.

## Idaho State Board of Morticians

### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho State Board of Morticians respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
  - ✓ Protect the public (*I.C. [§ 54-1101](#)*)
  - ✓ Portability of licensure (*I.C. [§54-1109 \(3\) and \(4\)](#), see Section F, item 2*)
  - ✓ Eliminate barriers to entry to work (*I.C. [§ 54-1112 \(4\)](#) was amended by House Bill 367, 24-0801-1501 more flexibility for inspections for facility licensure; and I.C. [§ 67-2614](#)*)
  - ✓ Do away with unnecessary regulation. (*I.C. [§ 67-2614](#), reinstatement*)
  - ✓ Modernize licensure and regulatory requirements (*Inactive licensure was added in House Bill 120; Docket [24-0801-1301](#) modernized its law by allowing new technology to be used in Idaho; see Section D; IDAPA [24.08.01.450](#) put in place for new embalming method*)
  
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
  - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*Electronic transfer of death certificates is available through [vitalcheck](#), available through Health and Welfare's Department of Vital Statistics; there is no mortuary school in Idaho, making online education a vital component for students seeking Funeral Director and Mortician studies*).
  - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*IDAPA [24.08.01.410.02](#), online CE*)
  - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-1116](#), may consider*)
  - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*Since 2006, the Board has offered the jurisprudence exam on demand. It can be proctored around the state.*)

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- ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*Special exemption in IDAPA [24.08.01.410.06](#)*)
- ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*Resident Trainee in [IDAPA 24.08.01.250](#)*)