

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01- RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-1601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 12, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-1106 and 54-1107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2016 Legislature passed House Bill 367 which extended the length of time a Resident Trainee could practice from two to three years under a permit. Rule 250 is being amended to reflect current law by changing the limit of time that a resident trainee can hold a permit from two (2) years to three (3) years.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2016 Legislature passed House Bill 367 which extended the length of time a Resident Trainee could practice from two to three years under a permit. The rule is being amended to comply with the new law.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is being amended to comply with the new law. This rule was discussed in a noticed, open meeting of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2016.

DATED this 2nd Day of August, 2016

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street

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Boise, ID 83720-0063
Phone: (208) 334-3233 / Fax: (208) 334-3945

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 24-0801-1601
(Only Those Sections With Amendments Are Shown.)**

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)~~ **three (3)** 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)~~ **(7-12-16)T**

- 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)