**02-331**

**BOARD OF FUNERAL SERVICE**

2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-331**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Funeral Service**

**CONTACT PERSON** for this agency: Jennifer Hawk, Regulatory Board Manager, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rules will be established to implement 2019 Public Law Chapter 101, which includes changes to the licensing requirements for out of state applicants and changes to the continuing education requirements, including the continuing education program approval process. Rules for this program were last adopted December 26, 2009 and included a complete rewrite and reorganization of the rules.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules that define terms related to the practice of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2-A: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise its rules that provide for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 3: Educational Requirements for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise, in conjunction with 32 M.R.S. § 1501, the educational requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5: Practitioner Trainees**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the 2,000-hour apprenticeship to be completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 6-A: Pathways to Licensure as a Practitioner of Funeral Service**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the procedures and requirements for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure as a practitioner of funeral service.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: Funeral Establishments**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the licensing requirements for funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Funeral homes.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8: Safety and Health Standards**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment and health-related requirements applicable to licensed funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 10: General Rules / Scope of Practice**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding: (1) hairdressing and cosmetology; (2) the scope of practice of funeral practitioners and funeral attendants; (3) the referral of inquiries to a licensed practitioner; (4) mandatory disclosures; and other topics.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 11: Annual Renewal; Continuing Education; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. § 1506

PURPOSE: The board may review and revise its rules, in conjunction with 32 M.R.S. § 1506, regarding continuing education requirements for license renewal.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 12: Transportation of Human Remains**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the transportation of human remains.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 13: Disinterment**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the disinterment of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 14: Temporary Storage**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the storage of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 15: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 16: Prearranged Funerals - Mortuary Trust Agreements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1401(2), 1451, 1501

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The Board may further address the question of funding Mortuary Trust Accounts with proceeds of Life Insurance policies.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.