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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

MCB 1-2024

CHAPTER 830

MORTUARY AND CEMETERY BOARD

FILED

06/25/2024 11:55 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amended Apprentice Embalmer/Funeral Service Practitioner Requirements

EFFECTIVE DATE: 07/01/2024 THROUGH 12/27/2024

AGENCY APPROVED DATE: 06/12/2024

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NEED FOR THE RULE(S):

Amends language to remove licensing barriers and to clarify what is required for completion of an apprenticeship.

JUSTIFICATION OF TEMPORARY FILING:

1) Failure to immediately amend the rule would result in significant delays for individuals to complete their apprenticeships. 2) Apprentices, funeral home owners, and the general public would suffer these consequences. 3) Failure to immediately take rulemaking action would result in a lack of qualified licensed individuals entering the workforce and serving Oregon families. 4) Implementing this temporary rule will make the completion of apprenticeships more obtainable, resulting in more qualified licensees entering the workforce.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Board direction and public comment during the OMCB April 2024 Board meeting (OMCB April 2024 Board meeting minutes).

AMEND: 830-011-0020

RULE TITLE: Trainee (Apprenticeship) — Generally

RULE SUMMARY: Updating requirements for Apprenticeships

RULE TEXT:

(1) Apprenticeship for embalmer, funeral service practitioner, or intern apprentice must be served under persons who are and have been licensed and working in Oregon for at least one aggregate year within the last ten years.

(a) A funeral service practitioner may supervise up to three apprentices at a time and an embalmer may supervise up to three apprentices at a time.

(b) Notwithstanding (a), a combination embalmer/funeral service practitioner may supervise no more than three persons with any combination of trainee (apprentice) licenses.

(c) Notwithstanding (a), a funeral service practitioner, an embalmer or a combination embalmer/funeral service practitioner may serve as preceptor for intern apprentices from an accredited funeral service education provider in

addition to any trainee (apprentice) embalmers or funeral service practitioners; if that individual's license meets the requirements for the internship program as identified by the educational institution; however, no licensee may have more than a total of three trainees (apprentices) or interns at any one time.

(d) The licensee who supervises an apprentice must be working and located in the same licensed facility or facilities as the trainee (apprentice) the supervisor is supervising.

(2) To qualify for a license as an embalmer, in addition to meeting the time and competency requirements, an apprentice embalmer must be directly involved in the following during the apprenticeship period under the supervision of a licensed embalmer:

(a) Perform at least 35 tasks that include the necessary handling and preparation of human remains, including but not limited to, washing, disinfecting, setting features, embalming, repairing and supervising dressing. Out of the 35 required tasks, at least 15 must be arterial embalmings of human remains.

(b) For the purpose of this section, "supervision" means that each task shall be performed by an apprentice embalmer only after receiving direction from a licensed embalmer.

(c) An apprentice embalmer must maintain a log book containing entries of the clearly identifiable completed 35 required tasks. Such log book shall be located at the facility where the apprentice is supervised and the apprentice and the apprentice's supervisor must furnish this record to the Board upon request. The apprentice may use a supplemental page to document any of the 35 required tasks or other competencies performed at an alternate facility as directed by their supervisor. All supplemental pages must be included in the log book. The log book must be retained for a period of one year after licensure as an embalmer, or, if not licensed as an embalmer, for six years after the last log entry and must include the following:

(A) Name of the deceased;

(B) Date of death;

(C) Date and location where task was completed;

(D) Description of required task completed;

(E) Number of hours worked per week and total hours at the completion of apprenticeship;

(F) Supervisor's written confirmation for each task performed by their apprentice; and

(G) Name of licensed facility making the embalming arrangements.

(3) To qualify for a license as a funeral service practitioner, in addition to meeting the time and competency requirements, an apprentice funeral service practitioner must be directly involved in the following during the apprenticeship period under the supervision of a licensed funeral service practitioner:

(a) At least 25 arrangements that include working directly with at need persons to arrange for the disposition of human remains and coordinating and directing the various tasks associated with performing funeral services.

(b) For the purpose of this section, "supervision" means that each arrangement shall be performed by an apprentice funeral service practitioner only after receiving direction from a licensed funeral service practitioner.

(c) An apprentice funeral service practitioner must maintain a log book containing entries of the clearly identifiable completed 25 arrangements. Such log book shall be located at the facility where the apprentice is supervised and the apprentice and apprentice's supervisor must furnish this record to the Board upon request. The apprentice may use a supplemental page to document any of the arrangements or other competencies performed at an alternate facility as directed by their supervisor. All supplemental pages must be included in the log book. The log book must be retained for a period of one year after licensure as a funeral service practitioner, or, if not licensed as a funeral service practitioner, for six years from the last log entry, and must include the following:

(A) Name of the deceased;

(B) Date of death;

(C) Date and location arrangements were made;

(D) Description of apprentice's direct participation with at need persons;

(E) Number of hours worked per week and total hours at the completion of apprenticeship;

(F) Supervisor's written confirmation for each arrangement made by their apprentice; and

- (G) Name of the licensed facility responsible for the final disposition arrangements.
- (4) Intern apprentices must serve their apprenticeships in accordance with the internship guidelines established by an accredited funeral service education program and as recognized and approved by the Board. A copy of the guidelines is available from the Board upon request.
- (5) Applicants for an apprenticeship certificate must submit an application in accordance with ORS Chapter 692. The application must be submitted on the most current form provided by the Board and be accompanied by:
- (a) The fee listed in OAR 830-020-0040;
 - (b) A copy of the applicant's birth certificate;
 - (c) A valid US federal or state-issued photo ID; and
 - (d) Satisfactory proof of high school graduation or equivalency.
- (e) If an applicant for an apprentice certificate is unable to provide a high school diploma, one of the following must be submitted:
- (A) Satisfactory evidence that the applicant has passed a high school equivalency test (General Education Development Test); or
 - (B) A copy of transcripts from a college or university accredited by an agency recognized by the US Department of Education or equivalent.
- (6) Prior to becoming licensed as a funeral service practitioner, apprentices must provide a certified copy of transcripts from a college or university accredited by an agency recognized by the US Department of Education or equivalent that illustrates completion of an associate degree or higher. Prior to becoming licensed as an embalmer, apprentices must provide proof of completion of an accredited course of funeral service education.
- (7) The effective date of the apprenticeship will be the date the completed application, fee, and the required certificates are received and validated in the office of the Board and the application is approved by the Board. A letter will be sent notifying the apprentice of the status of their apprenticeship or application.
- (8) The certificate of apprenticeship must be issued to the applicant as a trainee (apprentice) to a specified licensee in good standing. If the apprentice intends to change the licensee to whom apprenticed, the apprentice must immediately file a request for approval of the transfer with the Board and pay the required fee. A certificate must be reissued upon payment of an administrative charge. When an apprentice ceases to work under a specific licensee, the apprenticeship certificate becomes null and void. It is the responsibility of the supervising licensee to notify the Board's office of any termination in employment or supervision of the apprentice.
- (9) Trainee (Apprentice) funeral service practitioner and embalmer certificates will not be granted to any person for a period longer than 48 aggregate months. When an apprentice has completed their apprenticeship, they will no longer be licensed as an apprentice, but must qualify either as a licensed embalmer or licensed funeral service practitioner.
- (10) Notwithstanding (9), the Board may consider a request for extension of the apprenticeship period for reasonable and extenuating circumstances beyond the control of the trainee (apprentice).
- (11) Trainee (Apprentice) supervisors are responsible for all assigned activities and any arrangements made by the trainee (apprentice) at any location.
- (12) In lieu of meeting apprenticeship requirements, an applicant for Oregon funeral service practitioner or embalmer licensure is deemed to have satisfied the respective apprenticeship requirement upon submitting satisfactory proof to the Board that the person has practiced, respectively, as a funeral service practitioner or embalmer licensed in good standing in this state or another state identified by the Board to have requirements substantially similar to Oregon for a minimum of one year.
- (13) Embalmer applicants who meet the requirements set forth in section (12) of this rule may be required to demonstrate competency by way of a practical examination at a time and place designated by the Board.
- (14) Funeral service practitioner applicants who meet the requirements set forth in section (12) of this rule must successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions.
- (15) An applicant or licensee whose application for license has been denied or revoked or who voluntarily surrendered

the license may not reapply for a minimum period of three years unless otherwise specified in a Board order denying, revoking or accepting a voluntarily surrender of the application or license.

STATUTORY/OTHER AUTHORITY: ORS 692.160, 692.320, 2015 HB 2471

STATUTES/OTHER IMPLEMENTED: ORS 692.045, 692.070, 692.105, 692.130, 692.190, 2015 HB 2471