Agency Name: Board of Funeral Service

Statutory Authority: 40-1-70 and 40-19-5 et seq.

Document Number: 4318

Proposed in State Register Volume and Issue: 36/11

House Committee: Labor, Commerce and Industry Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 05/17/2013

Final in State Register Volume and Issue: 37/6

Status: Final

Subject: Requirements of Licensure for Funeral Service Providers

History: 4318

By Date Action Description Jt. Res. No. Expiration Date

- 11/23/2012 Proposed Reg Published in SR

- 01/17/2013 Received by Lt. Gov & Speaker 05/17/2013

H 01/22/2013 Referred to Committee

S 01/22/2013 Referred to Committee

S 03/05/2013 Resolution Introduced to Approve 477

- 05/17/2013 Approved by: Expiration Date

- 06/28/2013 Effective Date unless otherwise

provided for in the Regulation

Document No. 4318

**BOARD OF FUNERAL SERVICE**

CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

57-01. Definitions

57-06.1. Apprenticeship Requirements

57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses

57-11. Continuing Education Requirements for Embalmers and Funeral Directors

57-14.3. Training of Crematory Operators

57-14.4. Training of Certified Crematory Trainer/Preceptors

**Synopsis:**

To satisfy the requirements of licensure for funeral service providers, Regulations 57-01, 57-06.1, 57-09, 57-11, 57-14.3 through 57-14.4 must be amended in conformance with the current Board of Funeral Service Practice Act.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

**Instructions:**

The following sections of Chapter 57 are modified as provided below. All other items and sections remain unchanged.

**Text:**

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

(A) “Supervision” means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present on the premises and readily available.

(B) “Continuing education” means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements.

(C) “Contact hour” means a minimum of fifty (50) minutes of instruction.

(D) “Full-Time Employee” means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

(E) “Cremains” means the remains of a cremated human body.

(F) “Crematory” means a facility equipped with a gas fired cremation retort specifically designed use in cremation of human remains.

(G) “Cremation Casket” means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

(H) “Alternative container” means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a cremation chamber for cremation. An alternative container or cremation casket must be:

(1) composed of readily combustible materials suitable for cremation;

(2) resistant to leakage or spillage;

(3) rigid enough for handling with ease;

(4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

57-06.1. Apprenticeship Requirements.

(1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

(2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

(3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the due dates for quarterly reports for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than thirty (30) days after the quarter’s end. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

(4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

(5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

(6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period.

(7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

(8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.

(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

(10) An apprentice may serve under one preceptor per license type.

57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses.

(A) All licenses and renewals expire on the thirtieth (30th) day of June unless sooner revoked or canceled. No license may be issued or renewed for a period exceeding two (2) years.

(B) All applications for renewal shall be filed with the Board prior to June thirtieth (30th) each even year. Renewal applications must be accompanied by the renewal fee prescribed by the Board and, if applicable, the required number of continuing education credits. Licensees who have not properly renewed their licenses for failure to complete the required continuing education credits and/or failure to submit the appropriate renewal fee must apply for late renewal during a six (6) month penalty period following the expiration date. Late renewal applications must be accompanied by documentation, if applicable, indicating completion of the required continuing education credits as specified in Reg. 57-11 and a fee equal to the annual renewal fee plus a penalty as described in Reg. 57-12.

(C) An embalmer or funeral director whose license has been expired for less than five (5) years may reactivate the license by applying to the Board, submitting the required fees, and demonstrating evidence satisfactory to the Board, on a form approved by the Board, of the requisite continuing education hours for each year during which the license was expired. In such cases, the Board may require supervised experience as a condition of reactivation.

(D) An embalmer or funeral director whose license has been expired for more than five (5) years must reapply and meet all of the requirements, including re-examination, at the time of application, for licensure.

(E) Applicants for reactivation must submit a notarized affidavit certifying that he or she has not been engaged in the practice of embalming or funeral directing in this State during the period the license was not in a current status.

57-11. Continuing Education Requirements for Embalmers and Funeral Directors.

(A) Persons licensed as embalmers or funeral directors must complete three (3) hours of formal continuing education during every licensure period as a condition of renewal of their license. The continuing education completed must represent an in-depth study of three (3) different topics and be gained through participation in formal instruction, seminars, or workshops approved by the Board. This continuing education requirement does not apply to persons who are sixty (60) years of age or older or persons who have been licensed for thirty (30) or more years by the Board so long as those persons do not act as the manager of record of any funeral establishment.

(B) The Board may grant waivers of the continuing education requirement in cases involving disability or illness and may extend the time within which the continuing education hours may be gained. Applications for waiver shall be submitted on forms approved by the Board and shall be signed by a licensed health care professional attesting to the licensee’s inability to complete continuing education due to disability or illness.

(C) The Board shall maintain a list of approved continuing education courses.

57-14.3. Training of Crematory Operators.

(A) Persons who complete the following training will be listed on the official roster of the Board as Certified Crematory Operators.

(B) Training will cover the following topics. The preceptor will document the time and date of specific training on these topics:

(1) Documents required prior to cremation authorization;

(2) Compliance with the record keeping requirements of this chapter;

(3) Operation of the retort and processing cremains, including specific safety precautions.

57-14.4. Training of Certified Crematory Trainer/Preceptors.

(A) Persons who complete the following training and documented experience will be listed on the official roster of the Board as Certified Crematory Trainer/preceptors.

(B) Training will include the following components:

(1) Factory approved instruction in the operation of the on-site unit;

(2) Documents required prior to cremation (e.g. authorization, BRT, DC, Coroners’ Permit);

(3) Compliance with the record keeping requirements of this chapter;

(4) Operation of the retort and processing cremains, including specific safety precautions;

(5) Packaging and delivery of cremains.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

These regulations are updated in conformance with the current Funeral Practice Act.