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MORTUARY SCIENCE EDUCATION

Senate Bills 552 and 553 with House
committee amendments
First Analysis (3-17-94)

Sponsor: Senator Michael J. Bouchard
Senate Committee: State Affairs and
Military/Veteran Affairs
House Committee: State Affairs

THE APPARENT PROBLEM:

The practice of mortuary science has grown increasingly complex over the past few decades. The Federal Trade Commission has promulgated regulations concerning the manner in which financial arrangements for funerals are made. These rules, recently amended, have formalized the process with a long series of required disclosures and other information that must be provided to the consumer. The Michigan legislature has enacted legislation regulating the prefunding of funerals. These and other actions have made the preneed market complex, requiring a level of understanding and financial sophistication which funeral directors did not need in the past. Increasing public concern over health, safety, disposal of medical waste, and the spread of contagious disease have and will continue to impose new regulatory requirements on funeral homes, requiring knowledge with respect to both legal compliance and the practical ways of avoiding adverse health and safety consequences. The traditional one year of mortuary school and a year's apprenticeship are simply no longer sufficient training for funeral directors. Legislation has been proposed to increase educational requirements for funeral directors.

THE CONTENT OF THE BILLS:

Senate Bill 552 would amend the Occupational Code (MCL 339.1806 et al.) to increase the educational requirements for a person applying after July 1, 1999 for licensure as a mortuary science practitioner. The bill would also require continuing education for mortuary science practitioners and specify the eligibility criteria for continuing education course sponsors.

The code currently requires applicants for a license to practice mortuary science to:

** Have served as a resident trainee for one year under the personal supervision and instruction of a licensed practitioner.

** Have graduated from a three-year course in mortuary science in an accredited school, college, or university approved by the Board of Examiners in Mortuary Science.

** Have passed an examination approved by the Department of Commerce and the board.

** Be of good moral character.

The bill would increase educational requirements for initial licensure to include the completion of a four-year bachelor's degree, which would include the three-year course in mortuary science that is currently required and would still be required under the bill. The bill would also allow the waiver of six months of the current one-year residency training requirement if the applicant completed an additional year of college instruction beyond the four-year degree.

Further, the bill would specify that a mortuary science license could not be renewed unless the licensee had completed eight clock hours of continuing education for each year after the bill's effective date. (There would be exceptions to this requirement for those in their initial licensing period, those aged 70 or older, those licensed before 1960, and those licensed by another state with substantially equal licensing requirements.)

An "approved sponsor" (a person approved by the Department of Commerce as a sponsor of a continuing education program) would have to be one or more of the following: a nonprofit

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professional or trade association that was exempt from taxation under the Internal Revenue Code and whose membership was limited primarily to funeral directors or funeral homes; a tax-exempt education trust; an accredited college or university; or a governmental department or agency. The bill would establish certain standards for continuing education programs and for approved sponsors.

Senate Bill 553 would amend the State License Fee Act (MCL 338.2203 and 338.2243) to increase the license fee for mortuary science practitioners from \$30 to \$40, and specify that the additional \$10 be deposited in a new Mortuary Science Education Fund for use in administering the continuing education requirements specified in Senate Bill 552.

The bills are tie-barred.

HOUSE COMMITTEE ACTION:

The House State Affairs Committee adopted an amendment to Senate Bill 552 to provide an exception from the continuing education requirements for people licensed before 1960. The committee amended Senate Bill 553 to set the mortuary science license fee at \$40, rather than \$45 as in the Senate-passed version of the bill.

FISCAL IMPLICATIONS:

The Bureau of Occupational and Professional Regulation, in the Department of Commerce, has indicated that Senate Bill 552 would require one new half-time position to administer the program at an annual cost to the state of approximately \$24,000, the amount of revenue that would be raised by Senate Bill 553. The bills would have no fiscal impact on local government. (3-16-94)

ARGUMENTS:

For:

Funeral directors argue that increased educational requirements are needed to ensure that applicants for mortuary science licenses have sufficient knowledge to handle the increasingly complex issues the industry faces. Further, continuing education should be required for license renewal, as the field is rapidly changing to cope with increased legal, financial, environmental, and health issues.

Against:

The requirement of a bachelor's degree for licensure as a mortuary science practitioner poses an additional barrier to those who wish to enter the profession. This requirement would also create problems with interstate mobility, making it more difficult for a mortuary science practitioner licensed in another state to relocate in Michigan. A survey conducted in 1990 indicated only two states require bachelor's degrees for funeral directors.

Against:

Under Senate Bill 552, the number of continuing education credits earned at a college or university that could be used toward license renewal would be limited, thus requiring a significant amount of continuing education credits to be gained elsewhere, such as in programs offered by nonprofit trade associations. Why limit the options of practitioners in this way?

POSITIONS:

The Michigan Funeral Directors Association supports the bills. (3-16-94)

The Bureau of Occupational and Professional Regulation (in the Department of Commerce) opposes the bills. (3-16-94)