



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 651 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Regulatory Reform

Date Completed: 2-12-18

RATIONALE

Michigan's Occupational Code governs the practice of mortuary science, which includes the practice of embalming and the practice of funeral directing. Under the Code, individuals seeking a license in mortuary science must have graduated from a three-year course in mortuary science at an accredited school, college, or university. However, Michigan evidently is one of only a few states that do not require continuing education courses for mortuary science practitioners. Some people believe that recent cases of funeral service malpractice demonstrate the need for increased education standards. It has been suggested that the initial education requirements for licensing be increased, and that mortuary science licensees be required to take continuing education courses in order to ensure that all providers are knowledgeable with industry best practices.

CONTENT

The bill would amend Article 18 (Mortuary Science) of the Occupational Code to do the following:

- **Prescribe new requirements that an individual wishing to be licensed to practice mortuary science would have to meet.**
- **Require a licensee to successfully complete at least four hours of eligible continuing education courses in each year of a license cycle, beginning the license cycle after October 31, 2023.**
- **Require at least two of the four hours to involve one or more specified subjects.**
- **Permit the Department of Licensing and Regulatory Affairs (LARA) to adopt rules establishing requirements for the operation and the operator of a funeral establishment.**

The bill also would amend Article 2 (Administration) of the Code to allow LARA to enter into an agreement with a statewide funeral service trade organization to provide an electronic continuing education tracking system that would provide an electronic record of the continuing education courses, classes, or programs completed by individuals licensed under Article 18.

The bill would take effect 90 days after its enactment.

License to Practice Mortuary Science

The Code requires the Department of Licensing and Regulatory Affairs to issue a license to engage in the practice of mortuary science to an individual who meets all of the following:

- Served as a resident trainee for one year under the personal supervision and instruction of the holder of a license for the practice of mortuary science.

- Graduated from a three-year course in mortuary science at an accredited school, college, or university.
- Satisfactorily passes an examination approved by LARA and the Michigan Board of Examiners in Mortuary Science.
- Is of good moral character.

The bill, instead, would require LARA to issue a license to an individual who met all of the following:

- Served as a resident trainee under the personal supervision and instruction of the holder of a license for the practice of mortuary science for one year, if the individual filed his or her initial license application before January 1, 2023, or for 180 days, if the individual filed his or her initial license application on or after January 1, 2023.
- Satisfactorily passed all of the required parts of an examination administered and developed by a national or international association of funeral service licensing boards and approved by LARA and the Board.
- Satisfactorily passed a Michigan examination developed and administered by or under the authority of LARA.
- Was of good moral character.

The applicant also would have to have completed a mortuary science program that was accredited by an agency recognized by the United States Secretary of Education as a specialized accrediting agency in funeral service or mortuary science, and meet one of the following:

- Graduated from a three-year course in mortuary science at a school, college, or university that was accredited by the U.S. Secretary of Education as a specialized accrediting agency in funeral service or mortuary science, if the individual filed his or her initial license application before January 1, 2023.
- Graduated with a baccalaureate degree or higher degree from an educational institution that was accredited by an agency recognized by the U.S. Secretary of Education as a regional accrediting agency for postsecondary education or whose baccalaureate degree program was accredited by a specialized accrediting agency in funeral service or mortuary science.

The Code permits an applicant to take the examination described above in two parts, one part after completing the prescribed education and one part after completing the prescribed education and the service of resident training. The bill would delete this provision.

The Code also permits LARA to waive a portion of the requirement of one year of resident training if the applicant has a baccalaureate degree from an accredited school, college, or university, and LARA determines that the degree is a satisfactory substitute for resident training. Under the bill, this provision would not apply after December 31, 2022.

Additionally, the Code requires LARA to issue a license to an individual who holds a valid license in another state that has requirements substantially equal to the requirements under the Code if he or she meets certain requirements. The bill would delete the language requiring the license from another state to meet substantially equal requirements.

Continuing Education Requirement

The bill would require a licensee to successfully complete at least four hours of eligible continuing education courses in each year of a license cycle, beginning the first complete license cycle after October 31, 2023. (The licensing cycle for a mortuary science licensee is two years.)

All of the following would apply to the continuing education requirement:

- It would not apply to a licensee who had held a valid license for at least 40 years.
- The Department, or a statewide funeral service trade organization if applicable, would have to determine whether a continuing education course was an eligible course.

- If an individual received his or her initial license after the beginning of the current licensing cycle for that license, LARA could prorate the number of hours of eligible continuing education that licensee was required to complete for the year of the license cycle in which the license was issued.
- Compliance with the requirement would be a condition to further renewal of a license.

Additionally, at least two of the four required hours of eligible continuing education courses would have to involve one or more of the following subjects:

- Technical skills required for embalming and restorative art.
- Funeral ethics and best practices.
- Grief counseling.
- Occupational health and safety for funeral home workers.
- Communicable diseases, including transmission and sterilization techniques.
- Funeral service best practices.
- Michigan statutes and rules pertaining to the practice of funeral directing.
- Prepaid funeral sales.
- Consumer protection, Federal Trade Commission funeral rule, and Fair Labor Standards requirements.

MCL 339.210 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Many changes have occurred in the mortuary science profession over the years, and funeral directors and embalmers must be ready to meet these changes. The funeral industry has gone from providing a relatively simple service to one that requires navigating a complex landscape of public health concerns, technology, family dynamics, legal issues, and professional integrity. Many of these issues were never contemplated before, so the bill would make the changes necessary to reflect the profession of today. In addition, protecting public health is an integral function of mortuary science practitioners. These providers are the individuals to handle human remains, so well-educated professionals are needed to know how to properly handle, transport, disinfect, and treat remains. Requiring continuing education courses would provide critical and necessary improvements to ensure that the industry was protecting public health.

Recently, there have been several reported incidents in which funeral homes have been fined, had licenses suspended or revoked, or were even shut down because of inadequate storage and treatment of bodies and cremated remains, unsanitary conditions, and improper handling of funds. The bill would help ensure that all mortuary science licensees were familiar with general best practices about the proper storage of remains, embalming, restorative arts, and fiduciary aspects of the industry. Funeral service providers care for the public at a time when people often are at their most vulnerable, so enhanced standards would strengthen competent and ethical service to the public.

Currently, individuals seeking to be licensed under Article 18 of the Code are required to have completed a three-year course in mortuary science. Increasing the initial education standard to a bachelor's degree would require only one additional year of higher education, and the degree could be in any subject.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a minor, negative fiscal impact on the Department. The bill would require the Department of Licensing and Regulatory Affairs to add a continuing education (CE) requirement to the renewal process for mortuary science licensure. As of April 1, 2016, there were 2,060 licensees in Michigan. The Department would have to develop a CE tracking system for license renewal applicants and determine which CE courses qualified for credit. This could potentially require additional staff. In the alternative, LARA could contract with a statewide funeral service trade organization to perform those duties.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Michael Siracuse

SAS\A1718\s651a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.