

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTORS OFFICE

MORTUARY SCIENCE

(By authority conferred on the department of consumer and industry services by sections 308 and 1806(3) of 1980 PA 299, MCL 339.308 and 339.1806(3), and Executive Reorganization Order No. 1996-2, MCL 445.2001)

PART 1. GENERAL PROVISIONS

R 339.18901 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means 1980 PA 299, MCL 339.101 et seq., and known as the occupational code.
  - (b) "Board" means the board of examiners in mortuary science.
  - (c) "Change in ownership" means a change in the form of ownership or a change of owners, partners, officers, or directors.
  - (d) "Department" means the department of consumer and industry services.
  - (e) "Establishment working hours" means 8 a.m. to 10 p.m.
  - (f) "Full-time" means not less than 40 hours per week.
  - (g) "Manager" means a mortuary science licensee who is responsible for the day-to-day administration of a funeral establishment.
  - (h) "Reporting period" means work which is performed by a resident trainee between January 1 and June 30 and which is reported to the department by July 15 or work which is performed by a resident trainee between July 1 and December 31 and which is reported to the department by January 15 of the following year.
  - (i) "Sponsor" means a mortuary science licensee who has held a mortuary science license for not less than 5 years, who has agreed to supervise and instruct a resident trainee as required by R 339.18925, and who has not had any disciplinary action taken against him or her within the last 5 years.
- (2) The terms defined in articles 1 and 18 of the act have the same meanings when used in these rules.

History: 1991 AACCS; 2001 AACCS.

R 339.18905 Board meetings.

Rule 5. (1) All board meetings are held in accordance with 1976 PA 267, MCL 15.261 et seq., known as the open meetings act, and are open to the public.

History: 1991 AACCS; 2001 AACCS.

R 339.18919 Rescission.

Rule 19. R 338.863 to R 338.869 and R 338.881 of the Michigan Administrative Code, appearing on pages 2453 to 2459 of the 1979 Michigan Administrative Code, are rescinded.

History: 1991 AACCS.

PART 2. LICENSING

R 339.18921 Licensure education requirements.

Rule 21. (1) As required by section 1806 of the act, for education completed after January 1, 1 2002, the 3-year course in mortuary science shall consist of both of the following:

(a) Completion, with not less than a 2.00 average, of not less than 60 semester or 90 quarter hours of non-remedial college level courses at an accredited college or university, which shall include all of the following:

- | Subject  | Minimum Hours                  |
|--|--------------------------------|
| (i) Public speaking/communications.....                          | 3 semester or 3 quarter hours. |
| (ii) Psychology/death and dying/gerontology.                     | 6 semester or 8 quarter hours. |
| (iii) Comparative religion or ethnic/multi-cultural studies..... | 3 semester or 4 quarter hours. |

(b) Completion, with not less than a 2.00 average, of 1 academic year of instruction in an accredited mortuary science program or a program deemed by the department to be equivalent to an accredited program. The department adopts by reference the accreditation standards contained in the American Board of Funeral Service Education manual on accreditation, revised October, 2000, for mortuary science instruction completed after January 1, 2002. Copies of the manual are available from the American Board of Funeral Service Education, 38 Florida Avenue, Portland Maine 04103, or from the Department of Consumer and Industry Services, P.O. Box 30018, Lansing, Michigan 48909-7518, at a cost as of the time of the adoption of these rules of \$50.00. The department shall distribute, without cost, a list of the programs accredited in accordance with the manual.

(2) The department may waive not more than 6 months of an applicant's resident training upon the receipt of proof that an applicant possesses a baccalaureate degree from an accredited college or university. A resident trainee who has received a waiver under this subrule is not exempt from fulfilling the requirements of R 339.18923, R 339.18925, and R 339.18927.

(3) For education completed before January 1, 2002, the 3-year course in mortuary science education shall consist of both of the following:

(a) Completion, with not less than a 2.00 average, of not less than 60 semester or 90 quarter hours of nonremedial college level courses at an accredited college or university, which shall include the following subjects:

- | Subject   | Credit Hours                    |
|---|---------------------------------|
| (i) Public speaking/communications.....               | 3 semester or 3 quarter hours.  |
| (ii) Accounting.....                                  | 6 semester or 8 quarter hours.  |
| (iii) Psychology/gerontology/death and dying.....     | 6 semester or 8 quarter hours.  |
| (iv) Chemistry lecture and lab.....                   | 8 semester or 10 quarter hours. |
| (v) Biological science (biology/zoology/anatomy)..... | 6 semester or 8 quarter hours.  |
| (vi) English composition/business writing.....        | 6 semester or 8 quarter hours.  |
| (vii) Computer science.....                           | 3 semester or 4 quarter hours.  |

(b) Completion, with not less than a 2.00 average, of 1 academic year of instruction in an accredited mortuary science program or a program deemed by the department to be equivalent to an accredited program. The department adopts by reference the accreditation standards contained in the American Board of Funeral Service Education manual on accreditation revised September, 1990 for mortuary science instruction completed after January 1, 1993. Copies of the manual are available from the American Board of Funeral Service Education, 38 Florida Avenue, Portland Maine 04103, or from the Department of Consumer and Industry Services, P. O. Box 30018, Lansing Michigan 48909-7518, at a cost as of the time of the adoption of these rules of \$50.00.

(4) An applicant who possesses a baccalaureate or higher degree from an accredited college or university is deemed to have satisfied the requirements of subrule (1)(a) and (3)(a) of this rule.

History: 1991 AACCS; 2001 AACCS.

R 339.18923 Resident training; resident training time credit; notice of change of sponsor or location; supervision; license renewal; sponsor limitation; attending college or university during training.

Rule 23. (1) To receive credit for resident training time, a resident trainee shall be employed on a full-time basis during establishment working hours and shall be under the supervision of his or her sponsor.

(2) A resident trainee shall notify the department, in writing, of a change of sponsor before beginning training under the new sponsor. A resident trainee shall also notify the department of any change in training location.

(3) A resident trainee who has completed 1 year of resident training, but who continues to perform duties requiring a license, shall continue to work under the supervision of a mortuary science licensee and shall maintain an active resident trainee license.

(4) A resident trainee license shall not be renewed more than 2 times.

(5) Except as authorized by the department, a mortuary science licensee shall sponsor only 1 resident trainee at a time.

(6) A resident trainee may attend a college or university while serving his or her resident training, if both of the following conditions are met:

(a) The college or university is within reasonable commuting time from the trainee's home or training establishment.

(b) The sponsor notifies the department, in writing, that the resident trainee is attending a college or university and that the course schedule will not interfere with the resident training program established by the sponsor.

History: 1991 AACS; 1998-2000 AACS.

R 339.18925 Minimum practical experience requirements.

Rule 25. A resident trainee shall perform, under the supervision of his or her sponsor, all of the following minimum services during resident training:

(a) Not less than 25 embalmings.

(b) All of the following services not less than 20 times each:

(i) Removing remains from the place of death.

(ii) Securing information for a death certificate and newspapers.

(iii) Completing and filing a death certificate and obtaining the burial transit permit.

(iv) Contacting newspapers for placement of a death notice.

(v) Arranging for clergy.

(vi) Checking in and placing flowers.

(vii) Receiving visitors.

(viii) Assisting in selling funeral merchandise.

(ix) Assisting in making funeral arrangements.

(x) Arranging cemetery details.

(xi) Assisting at the funeral.

(xii) Applying cosmetics to, and arranging the hair of, a deceased person.

(c) All of the following services not less than 3 times each:

(i) Arranging for or providing music.

(ii) Completing and filing social security forms.

(iii) Completing and filing veterans' forms.

(iv) Performing restorative work.

(v) Arranging the receiving or transferring of human remains by common carrier.

(vi) Contacting the deceased's lodge, club, or place of employment concerning the death.

History: 1991 AACS.

R 339.18927 Resident training reports.

Rule 27. (1) To receive credit for resident training, each resident trainee shall file with the department an embalming report which verifies that a minimum of 5 embalmings were performed by the trainee during the previous 6-month reporting period.

(2) The department may reject an embalming report that is filed by a resident trainee if the report is inaccurate, incomplete, or is filed after the due dates of January 15 and July 15. The rejection of an embalming report may also result in the loss of training time for the period

covered by the rejected reports. Failure to notify the department of a change in sponsor as required by R 339.18923 may result in the loss of training time and the rejection of embalmings performed under the new sponsor.

History: 1991 AACCS; 2001 AACCS.

R 339.18929 Examination.

Rule 29. (1) The examination shall be given in 2 parts as follows:

(a) A national written examination on subjects relating to mortuary science, including questions in all of the following areas:

(i) Embalming.

(ii) Anatomy.

(iii) Chemistry.

(iv) Pathology.

(v) Bacteriology.

(vi) Restorative art.

(vii) Mortuary administration.

(viii) Funeral service.

(ix) Federal laws and regulations.

(b) A written examination on Michigan laws and rules.

(2) An applicant shall complete all educational and training requirements before taking the examination on Michigan laws and rules.

(3) The examination shall be administered not less than once a year at such times and places as the department designates.

(4) An applicant shall not be licensed unless he or she has achieved a minimum passing score of 75 on each part of the examination.

(5) An applicant for a reciprocal license who has completed a national examination equivalent to the examination required in subrule (1)(a) of this rule shall only be required to complete the written examination on the law and rules of Michigan.

History: 1991 AACCS; 2001 AACCS.

### PART 3. STANDARDS OF OPERATIONS

R 339.18930 Relicensure.

Rule 30. (1) A person who has a lapsed or expired license and who seeks relicensure at a time that is more than 3 years from the date of lapse or expiration shall meet current educational requirements for relicensure and pass the current written examination on the law and rules of Michigan.

(2) A person who is seeking relicensure and who has previously passed a national examination equivalent to the examination required in Rule 339.18929(1)(a) does not have to repeat the national examination.

History: 2001 AACCS.

R 339.18931 Establishment requirements.

Rule 31. (1) An application for an establishment license shall include a copy of the articles of incorporation or a certificate of assumed name.

(2) Each licensed establishment shall have a room which is suitable for conducting funerals and which meets the requirements of the applicable local building code for holding 50 or more persons, an area for the display of a casket and flowers, and a lectern area.

(3) Each licensed establishment shall have an embalming room. The embalming room shall not have a direct connection to any living quarters located on the same floor or to the chapel or any other area

accessible by the public. For the purposes of this rule, a direct connection has not been made if an area that is not less than 9 square feet in floor area has been provided between the entrance to the embalming room and the entrance to an area accessible by the public.

(4) The embalming room shall be kept in a clean and sanitary condition at all times. Instruments shall be cleaned and sterilized after each use.

(5) An embalming room shall have all of the following:

(a) A linoleum or tile floor.

(b) Walls and ceilings made of or covered by washable and waterproof material.

(c) Hot and cold running water.

(d) A plumbing system as required by the provisions of R 325.11401 through R 325.11407.

(e) A fan that is capable of moving 250 cubic feet of air per minute.

(6) An embalming room shall be equipped with a porcelain or stainless steel embalming table, the instruments necessary to embalm a body, and a means of sterilizing equipment, such as an autoclave, a gas sterilizer, or an instrument solution sterilizer that is large enough to accommodate a normal, adult-sized trocar.

(7) An embalming room shall not be used as a storage area.

History: 1991 AACS.

R 339.18933 Establishment inspections.

Rule 33. (1) A representative of the department shall be permitted to inspect a funeral establishment to ascertain that the establishment is in compliance with the law and these rules.

(2) A funeral establishment shall be inspected during establishment working hours as follows:

(a) On a routine basis.

(b) Any time the establishment undergoes structural changes.

(c) When there is a change in ownership.

(d) When an establishment is first opened.

(3) A funeral establishment may be inspected at any time when the inspection is part of the investigation of a complaint.

History: 1991 AACS.

R 339.18937 Licensed manager required.

Rule 37. (1) Each funeral establishment shall have in its direct employment a mortuary science licensee who is designated as the establishment's manager.

(2) A manager shall be employed on a full-time basis and shall be available at all times for funeral-related purposes.

(3) A manager shall reside within 1 hour's normal commuting time from the funeral establishment.

(4) A mortuary science licensee shall not manage more than 1 funeral establishment.

History: 1991 AACS.

#### PART 4. STANDARDS OF CONDUCT

R 339.18941 Advertising.

Rule 41. (1) A mortuary science licensee or funeral establishment shall not use false, misleading, or deceptive advertising. As used in this rule, "false, misleading, or deceptive advertising" includes any of the following:

(a) Using the names of persons who are not licensed to practice mortuary science in a way that leads the public to believe that such persons will provide mortuary science services.

(b) Using any name other than the name under which the funeral establishment is licensed.

(c) Using a surname not directly, actively, or presently associated with a funeral establishment, unless such surname had been previously and continuously used by the licensed establishment.

(d) Using a founding or establishing date or total years of service not directly and continuously related to a name under which the funeral establishment is licensed.

(2) A mortuary science licensee or funeral establishment shall not, by false or misleading representation of fact, disparage prices, services, or facilities offered to a purchaser or the choices of goods and services offered to, or made by, a purchaser.

(3) The name, address, and telephone number of the funeral establishment and the name of the funeral establishment's manager, clearly identified as "manager," shall appear in all advertising and printed matter related to the funeral establishment. If the size of a novelty item makes it impossible to print the information required by this subrule, at least the name and address of the establishment shall be shown. As used in this subrule, the term "advertising" does not include an identifying sign directing the public to the establishment.

(4) Any advertising or printed matter that contains the names of persons other than the manager shall state the position held by such persons and shall identify each person who is licensed under the act. Unlicensed owners shall be identified as not being licensed in Michigan for the practice of mortuary science.

(5) A funeral establishment shall not do business in a location which is not licensed as a funeral establishment and shall not advertise a service as available from an unlicensed location.

History: 1991 AACCS.

#### R 339.18943 Posting of licenses.

Rule 43. The current funeral establishment license and the mortuary science or resident trainee license of each individual affiliated with that establishment shall be conspicuously displayed in the funeral establishment in a place accessible to the public.

History: 1991 AACCS.

#### R 339.18945 Change of address.

Rule 45. A licensee shall report a change of address to the department within 30 days of the change.

History: 1991 AACCS.

#### R 339.18947 Price information.

Rule 47. (1) A funeral service establishment that has a casket selection room shall have a card or brochure available on request for each casket which sets forth the price of the service using that casket and lists the services and other merchandise included in the price, if any. Where there are separate prices for the casket, services, the use of facilities, or equipment, the card shall indicate the price of the casket and the items that are separately priced.

(2) If a funeral service establishment does not have a casket selection room, but uses the facilities of a manufacturer, jobber, or other place where caskets are displayed for selection while in the company of a licensee to be used in connection with a service that the licensee is going to conduct, the licensee shall comply with the requirements of subrule (1) of this rule.

(3) At the time funeral arrangements are made and before the time of rendering the service or providing the merchandise, a licensee shall have available, to give to the person who makes the arrangements, a written statement which is duly signed by a licensee of the funeral establishment and which lists all of the following:

- (a) The price of the service that the family has selected and what services are included therein.
- (b) The amount of money involved for each of the items for which the licensee will advance money as an accommodation to the family, insofar as any of the items can be specified at that time.
- (c) The agreed upon method of payment.
- (d) If requested, the price of each of the supplemental items of service or merchandise requested.

History: 1991 AACSB.