

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 67

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 67 LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS

67-001 SCOPE AND AUTHORITY: These regulations govern the licensure of funeral directors and embalmers under the Funeral Directing and Embalming Practice Act and the Uniform Credentialing Act. Persons providing funeral directing and embalming services to clients located in Nebraska must be licensed as a funeral director and embalmer in Nebraska unless they are exempt under the Act.

67-002 DEFINITIONS: For purposes of these regulations, definitions in the Uniform Credentialing Act and the Funeral Directing and Embalming Practice Act and the following definitions are hereby adopted.

Attest or attestation means that the individual declares that all statements on the application are true and complete.

Complete application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

Licensure in another jurisdiction means holding a credential that authorizes the individual to engage in the profession of funeral directing and embalming which would otherwise be unlawful, from the District of Columbia or any state, territory, or possession of the United States of America, or any province of Canada.

Military service means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

Served in the regular armed forces has the same meaning as “military service” in these regulations.

67-003 INITIAL AND RECIPROCITY LICENSE: To receive a license, an individual must submit a complete application, pay the appropriate fee, and meet the following:

67-003.01 Age and Good Character: Be at least 19 years old and of good character;

67-003.02 Citizenship/Lawful Presence: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act;

67-003.03 General Education: Have earned the equivalent of 60 semester hours of college credit, which includes:

- a. 6 semester hours of English;
- b. 6 semester hours of accounting;
- c. 8 semester hours of chemistry;
- d. 12 semester hours of biological science relating to the human body; and
- e. 6 semester hours of psychology or counseling;

Reciprocity: For reciprocity an applicant must have the following:

1. Education/Practice: Earned the equivalent of 60 semester hours of college credit and either coursework as listed in 172 NAC 67-003.03 or practice as follows:
 - a. At least 5 years of practice as a licensed or certified Funeral Director and Embalmer in another state. A year of apprenticeship does not constitute licensure or certification in this case. It must be 5 years of practice beyond the year of apprenticeship; and
2. Continuing Education: Completed at least 16 hours of funeral directing and embalming continuing education within the previous 24 months immediately prior to application;

67-003.04 Mortuary Science Education: Have completed a full course of instruction in an accredited school of mortuary science. Hours earned in a school of mortuary science as part of the mortuary program may not be used for the 60 semester hours;

67-003.05 Apprenticeship: Have completed a 12-month apprenticeship under the supervision of a licensed Funeral Director and Embalmer practicing in the State of Nebraska. The apprenticeship must:

- a. Be registered with the Department prior to the start date;
- b. Be completed in one of the following ways:
 - (1) 6 months split as specified in 172 NAC 67-004.01 or
 - (2) Full 12 months; and

- c. Consist of arterially embalming 25 bodies and assisting with 25 funerals.

Reciprocity: Have completed 1 year of funeral directing and embalming practice following licensure/certification in another jurisdiction is deemed equivalent to a 12-month apprenticeship.

67-003.06 Examination: Have successfully passed the national standardized examination developed and administered by The International Conference of Funeral Service Examining Boards, the Nebraska jurisprudence examination and Nebraska vital statistic forms examination with a score of 75% or above on each examination.

67-003.07 Denied or Withdrawn Applications

67-003.07A Denied Applications: An applicant for a funeral directing and embalming license whose application is denied by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department. Any examination fee will not be returned.

67-003.07B Withdrawn Applications: An applicant for a funeral directing and embalming license may request to withdraw the application. A request to withdraw an application will be granted:

1. When the application is incomplete; or
2. When the request for withdrawal is received within five business days of the receipt of a completed application.

If a request to withdraw an application is granted, the applicant will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

67-004 APPRENTICE LICENSE: Individuals applying for an initial license as a Funeral Director and Embalmer must complete an apprenticeship under the supervision of a licensed Funeral Director and Embalmer practicing in the State of Nebraska. Apprenticeships must be served in the State of Nebraska in a licensed Funeral Establishment and the first 25 funeral assists and 25 embalmings must be completed under direct onsite supervision of the supervising funeral director and embalmer.

Applicants may complete the 12 months apprenticeship in either a split apprenticeship or a full apprenticeship. Before beginning an apprenticeship, an individual must apply and be approved by the Department for apprentice licensure.

67-004.01 Types of Apprenticeship:

1. 12-Month Full Apprenticeship. An applicant may serve a 12-month full apprenticeship by serving over a continuous 12-month period following the successful completion of a full course of study in an accredited school of mortuary science and the successful passage of the licensing examination. Licensure will

be for 12 months from the date of issuance, must be completed over a continuous 12-month period and will not be extended by the Board.

2. 12-month Split Apprenticeship. An applicant may serve a 12-month split apprenticeship by serving 6 months prior to attending a school of mortuary science and serving the remaining 6 months after graduation from a school of mortuary science. Licensure will be for 6 months from the date of issuance, must be completed over a continuous 6-month period and will not be extended by the Board.

67-004.02 License: To receive an apprentice license, an individual must submit a complete application, pay the appropriate fee, and meet the following:

67-004.02A Age and Good Character: Be at least 19 years old and of good character;

67-004.02B Citizenship/Lawful Presence: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act;

67-004.02C General Education: Have completed at least 39 of the 60 semester hours of college credit, as specified in 172 NAC 67-003.03;

67-004.02D Mortuary Science Education and Examination: If requesting a 12-Month apprenticeship or the final 6-month apprenticeship:

1. Have completed a full course of instruction in an accredited school of mortuary science; and
2. Have successfully completed the licensing examination.

Items 1 and 2 above do not apply when requesting the first 6-Months of a split apprenticeship; and

67-004.02EF Supervisor: Have a supervisor who is licensed and practicing as a funeral director and embalmer in Nebraska.

67-004.03 Change in Supervisor: An individual who changes his/her supervisor or adds a new supervisor must submit a complete application to the Department within 30 days following the change. A complete application includes all required documentation and a written application.

67-004.04 Denied or Withdrawn Applications

1. Denied Applications: An applicant for an apprentice license whose application is denied by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

2. Withdrawn Applications: An applicant for apprentice license may request to withdraw the application. A request to withdraw an application will be granted:
 - a. When the application is incomplete; or
 - b. When the request for withdrawal is received within five business days of the receipt of a completed application.

If a request to withdraw an application is granted, the applicant will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

67-005 EXAMINATIONS

67-005.01 Jurisprudence and Vital Statistics Forms Examination:

67-005.01A Eligibility: To be eligible to take the jurisprudence examination and vital statistics forms examination, an applicant must:

1. Have received written notification from the Department approving a 12-month apprenticeship license; or
2. Have received written notification from the Department approving a final 6-month apprenticeship license; or
3. Meet the requirements for licensing by reciprocity as specified in 172 NAC 67-003.

67-005.01B Examination Registration: To register for the jurisprudence examination and vital statistics forms examination, the applicant must submit a complete application to the Department.

67-005.01C Special Accommodations: If special accommodations are requested, such request may be submitted on a form provided by the Department. If the applicant has a learning disability, a psychological disability, or hidden disability that requires an accommodation in testing, an originally signed and dated document must be submitted from an appropriate professional (education professional, doctor, psychologist, psychiatrist) verifying the applicant's disabling condition which requires special accommodations.

67-006 RENEWAL: An individual who wants to renew his/her license to practice as a funeral director, embalmer or funeral director and embalmer must, prior to the expiration date, file an application for renewal, pay the fee, and demonstrate compliance with continuing education requirements.

67-006.01 Continuing Education: On or before February 1st of each even-numbered year, each Funeral Director, Embalmer or Funeral Director and Embalmer holding an active license in the State of Nebraska must:

1. Complete at least 16 hours of acceptable continuing education hours during the preceding 24-month period. A licensee may carry-over up to 4 hours earned beyond the 16 hours for the next renewal period.
2. Take the Nebraska Jurisprudence Examination at least 1 time every 10 years.

67-006.01A Continuing Education Hour/Credit Calculations. The following provides the hour/credit calculations:

1. Academic Credit: All 16 hours of continuing education hours per a biennial renewal period may be obtained through academic credit; hours are calculated as follows:
 - a. 1 semester hour of academic credit equals 15 continuing education hours; and
 - b. 1 quarter hour of academic credit equals 10 continuing education hours;
2. Home Study/Internet/Other Electronic Means: A maximum of 8 hours of continuing education hours per a biennial renewal period may be obtained through home study programs.
3. Continuing Education Workshops: All 16 hours of continuing education hours per a biennial renewal period may be obtained through continuing education workshops, lectures, or interactive satellite/web workshops. 60 minutes of participation equals 1 continuing education hour. Credit will not be awarded for breaks and meals.
4. Jurisprudence Examination: 4 hours of continuing education hours will be granted for licensees receiving a score of 75% or above on the jurisprudence examination. A licensee must take the jurisprudence examination at least 1 time every 10 years.
5. Tours: A maximum of 2 hours of continuing education credit per a biennial renewal period may be obtained through a funeral directing and embalming related tour. Conducting a tour of the licensee's facility does not constitute continuing education. 60 minutes of tour participation equals 1 continuing education credit.
6. Exhibits/Displays: A maximum of 2 hours of continuing education hours per a biennial renewal period may be obtained through a funeral directing and embalming related exhibit/display. If a continuing education workshop provides an exhibit or display area, a licensee may earn 1 continuing education credit per workshop for viewing the exhibits/displays.

7. District/State/National Association Meetings: A maximum of 8 hours of continuing education hours per a biennial renewal period may be obtained through attendance at a District, State, or National Association Business Meeting. 60 minutes of participation constitutes 1 continuing education credit. Only 1 hour may be obtained per meeting.

67-006.01B Acceptable Continuing Education Topic Areas: The Board does not approve continuing education programs/activities. In order for a continuing education activity/program to be accepted for renewal or reinstatement of a license, the activity must include one or a combination of the following topic areas:

1. Communication/Media;
2. Counseling/Arbitration;
3. Customer relations;
4. Disaster training;
5. Embalming practice;
6. Funeral directing practice;
7. Management (stress/personnel/business);
8. Marketing/advertising;
9. Personal development; or
10. Pre-need.

67-006.01C Continuing Education Workshop/Program Criteria: To be considered acceptable for continuing education, a workshop/program must meet the following criteria:

1. Be at least 60 minutes in duration;
2. Objectives must relate to the topic areas defined in 172 NAC 67-006.01B;
3. Presenters of programs must be qualified by education, experience or training;
4. Must be open to all Funeral Directors and Embalmers licensed by Nebraska who meet the pre-requisites for the program; and
5. The provider must have a process for verifying attendance and issue a certificate of attendance. Each certificate must include the following:
 - a. Program name;
 - b. Name of the participant and his or her license number;
 - c. Provider's name;
 - d. Date the program began and ended; and
 - e. Number of hours received by the licensee.

67-006.01D Criteria for a Home Study Program/Internet/Other Electronic Means: To be considered acceptable, a home study program must meet the following criteria:

1. Objectives must relate to the topic areas defined in 172 NAC 67-006.01B;
2. Author(s) of home study programs must meet the following qualifications:
 - a. Have experience in the content and subject matter;
 - b. Have expertise in teaching and instructional methods suitable to subject presented; and
 - c. Have suitable academic qualifications, certification credentials, and/or experience for subject presented; and
3. Must be a post-test or other method of assessment which verifies that the licensee completed the program.

67-006.02 Waivers of Continuing Education:

67-006.02A Military Service

1. Licensees actively engaged in military service are not required to pay the renewal fee.
2. The Department may waive continuing competency requirements if a licensee has served in the regular armed forces of the U.S. during part of the credentialing period immediately preceding the renewal date.

67-006.02B First Licensed: The Department waives continuing education requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.

67-006.02C Medical: The Department may waive continuing education for individuals who have had a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 24 months immediately preceding the license renewal date.

67-006.03 Inactive Status: When an individual wants to have his/her license placed on inactive status, s/he must notify the Department in writing. There is no fee to have a license placed on inactive status and continuing education is not required.

67-007 DISCIPLINARY ACTION

67-007.01 Grounds for Discipline: A funeral directing, embalming or funeral directing and embalming license may be denied, refused renewal, or have other disciplinary measures taken against it for grounds specified in Neb. Rev. Stat. §§ 38-178, 38-1423 and 38-1424 or for unprofessional conduct.

67-007.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of funeral directing and embalming or the ethics of the profession, regardless of whether a person,

patient, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

1. Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation by the Department;

67-008 REINSTATEMENT: This section applies to individuals previously licensed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska license. Individuals may apply for reinstatement as follows:

1. An individual whose license has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
2. An individual whose license has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
3. An individual whose license has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.
4. An individual whose license has been permanently voluntarily surrendered is not eligible for reinstatement and may not reapply for a new credential of the same license type.

The voluntary surrender of a license may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

67-009 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.