

CHAPTER 36

STATE BOARD OF MORTUARY SCIENCE

Authority

N.J.S.A. 45:1-15.1 and 45:7-32 et seq.

Source and Effective Date

R.2010 d.298, effective November 14, 2011.  
See: 42 N.J.R. 2732(a), 43 N.J.R. 3367(c).

Chapter Expiration Date

Chapter 36, State Board of Mortuary Science, expires on November 14, 2018.

Chapter Historical Note

Chapter 36, State Board of Mortuary Science, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 36, State Board of Mortuary Science, was readopted as R.1984 d.341, effective July 23, 1984. See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).

Subchapter 9, Prevention of Unfair or Deceptive Acts and Practices, was adopted as R.1984 d.525, effective November 19, 1984. See: 16 N.J.R. 1315(a), 16 N.J.R. 3210(a).

Subchapter 7, Embalming Schools, was repealed by R.1985 d.293, effective June 17, 1985. See: 17 N.J.R. 797(a), 17 N.J.R. 1580(a).

Pursuant to Executive Order No. 66(1978), Chapter 36, State Board of Mortuary Science, was readopted as R.1989 d.540, effective September 27, 1989. See: 21 N.J.R. 1971(a), 21 N.J.R. 3474(b).

Subchapter 7, Special Rules of Practice, was adopted as R.1994 d.288, effective June 6, 1994. See: 26 N.J.R. 1302(a), 26 N.J.R. 2293(b).

Pursuant to Executive Order No. 66(1978), Chapter 36, State Board of Mortuary Science, was readopted as R.1994 d.523, effective September 19, 1994. See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

Subchapter 10, Continuing Education, was adopted as R.1997 d.162, effective April 7, 1997. See: 29 N.J.R. 408(a), 29 N.J.R. 1340(b).

Subchapter 11, Prepaid Funeral Agreements and Arrangements, was adopted as R.1998 d.15, effective January 5, 1998. See: 29 N.J.R. 3110(a), 30 N.J.R. 90(a).

Pursuant to Executive Order No. 66(1978), Chapter 36, State Board of Mortuary Science, was readopted as R.1999 d.355, effective September 17, 1999. See: 31 N.J.R. 2133(a), 31 N.J.R. 3126(a).

Chapter 36, State Board of Mortuary Science, was readopted as R.2005 d.100, effective March 2, 2005. See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from March 2, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 2732(a).

Chapter 36, State Board of Mortuary Science, was readopted as R.2011 d.298, effective November 14, 2011. See: Source and Effective Date. See, also, section annotations.

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#### APPENDIX

#### SUBCHAPTER 1. ADMINISTRATION

##### 13:36-1.1 Seal of the Board

The Seal of the Board shall be the Seal of New Jersey encircled with the words "State Board of Mortuary Science of New Jersey."

(d) Such practical examination shall be held at a place determined by the Board and the examination shall be conducted by one or more Board members. A candidate who has failed the practical examination shall wait 30 days before being scheduled for re-examination.

Amended by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).

Deleted old text from (a) and (a)1, and substituted new text therefor.  
Amended by R.1990 d.273, effective May 21, 1990.  
See: 21 N.J.R. 1820(a), 22 N.J.R. 1614(a).

Deleted (a)1 and 2 and specified practical examination requirements with new text in (a). In (b): deleted language regarding absence of a preceptor and scheduling of the candidate's examination.

Amended by R.2002 d.76, effective March 18, 2002.  
See: 33 N.J.R. 2597(a), 34 N.J.R. 1267(a).

In (a), substituted "shall" for "will", deleted "both" preceding "the written", and inserted "the candidate is within 90 days of completing".  
Amended by R.2005 d.100, effective April 4, 2005.

See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

Rewrote the section.

### **13:36-3.8 Expiration of mortuary jurisprudence and practical examination results**

Results from the Mortuary Jurisprudence examination, required pursuant to N.J.A.C. 13:36-3.1(a)6, and the practical examination, required pursuant to N.J.A.C. 13:36-3.1(a)7, shall be valid for three years from the date of successful completion of the respective examinations. A candidate who does not obtain a license to engage in the practice of mortuary science within three years of passing the respective examinations shall retake and pass the examination for which the results have expired in order to be eligible for licensure pursuant to N.J.A.C. 13:36-3.1.

Repealed by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).

Section was "Presentation of certificates of licensure."  
New Rule, R.2005 d.100, effective April 4, 2005.  
See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

### **13:36-3.9 Failure to complete application process**

If a candidate for licensure fails to complete the application process within 18 months of the date of initial application, the Board shall administratively close the application. Following such action, an applicant making reapplication to the Board shall resubmit all required documentation and the applicable application fee set forth at N.J.A.C. 13:36-1.6.

New Rule, R.2011 d.298, effective December 19, 2011.  
See: 42 N.J.R. 2732(a), 43 N.J.R. 3367(c).

## **SUBCHAPTER 4. LICENSE AND REGISTRATION GENERALLY**

### **13:36-4.1 License and certificate of registration renewals; suspension; reinstatement**

(a) A licensee or owner shall renew his or her license or certificate of registration for a period of two years from the last expiration date. The licensee or owner shall remit a

renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:36-1.6, prior to the date of expiration. A licensee or owner who submits a renewal application within 30 days following the date of expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:36-1.6. A licensee or owner who fails to submit a renewal application within 30 days of expiration shall have his or her license or certificate of registration suspended without a hearing.

(b) A licensee or owner who continues to engage in the practice of mortuary science or continues to offer mortuary services with a suspended license or certificate of registration shall be deemed to be engaging in the unauthorized practice of mortuary science and shall be subject to the penalties set forth in N.J.S.A. 45:1-25 et seq.

(c) The Board shall send a notice of renewal to the licensee and/or owner at least 60 days prior to the expiration of the license and/or certificate of registration. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall be imposed upon the licensee and/or owner for failure to renew.

(d) A licensee seeking reinstatement within five years following the suspension of a license pursuant to (a) above shall submit the following to the Board:

1. A completed licensure application, including an affidavit of employment listing each job held during the period of license suspension, including the names, addresses, and telephone numbers of each employer; and the application fee set forth at N.J.A.C. 13:36-1.6;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:36-1.6;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:36-1.6;
4. Payment of any outstanding penalties and evidence of satisfaction of other requirements imposed by an order of the Board; and
5. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:36-10 for each biennial renewal period in which the license was suspended, to a maximum of 25 credits.

(e) A licensee seeking reinstatement more than five years following the suspension of a license pursuant to (a) above shall:

1. Successfully complete an internship under the supervision of a licensed practitioner of mortuary science. The internship, which shall be completed before application to take the practical examination, shall consist of a minimum of 25 embalmings, 25 funerals and 25 arrangements, consistent with the requirements set forth in N.J.A.C. 13:36-2. The internship shall be at least three months in length, but no longer than one year. Request to extend the period of

internship beyond one year shall be made to the Board in writing;

2. Successfully complete the practical examination set forth in N.J.A.C. 13:36-3.7;

3. Successfully complete the Mortuary Jurisprudence examination as set forth in N.J.A.C. 13:36-3.2;

4. Submit a completed licensure application, including an affidavit of employment listing each job held during the period of license suspension, including the names, addresses, and telephone numbers of each employer; and the application fee set forth at N.J.A.C. 13:36-1.6;

5. Submit payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:36-1.6;

6. Submit payment of a reinstatement fee as set forth in N.J.A.C. 13:36-1.6;

7. Submit payment of any outstanding penalties and evidence of satisfaction of other requirements imposed by an order of the Board; and

8. Submit a certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:36-10 for each biennial renewal period in which the license was suspended to a maximum of 25 credits.

(f) An owner seeking reinstatement following the suspension of a certificate of registration pursuant to (a) above shall:

1. Submit a completed application and the application fee set forth at N.J.A.C. 13:36-1.6;

2. Submit payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:36-1.6;

3. Submit payment of a reinstatement fee as set forth in N.J.A.C. 13:36-1.6; and

4. Submit payment of any outstanding penalties and evidence of satisfaction of other requirements imposed by an order of the Board.

Amended by R.1982 d.333, effective October 4, 1982.

See: 14 N.J.R. 751(a), 14 N.J.R. 1100(a).

Change renewal deadline from September to March or such other established day. Also changed failure to receive renewal from August 1 to 30 days prior to renewal date.

Amended by R.1994 d.523, effective October 17, 1994.

See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

Amended by R.1999 d.355, effective October 18, 1999.

See: 31 N.J.R. 2133(a), 31 N.J.R. 3126(a).

Added (c).

Repeal and New Rule, R.2005 d.100, effective April 4, 2005.

See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

Section was "License renewals; reinstatement of lapsed licenses".

Amended by R.2011 d.298, effective December 19, 2011.

See: 42 N.J.R. 2732(a), 43 N.J.R. 3367(c).

In (d)3, deleted "and" from the end; added new (d)4; recodified former (d)4 as (d)5; in (e)6, deleted "and" from the end; added new (e)7; recodified former (e)7 as (e)8; in (f)2, deleted "and" from the end; in (f)3, substituted "; and" for a period at the end; and added (f)4.

### 13:36-4.2 Notice of address change; service of process

(a) Every licensee shall give notice in writing to the Board of any change of his or her address of record within 10 days after such change of address. For purposes of this section, "address of record" means an address designated by a licensee which is part of the public record and which may be disclosed upon request. "Address of record" may be a licensee's home, business or mailing address, but shall not be a post office box unless the licensee also provides another address which includes a street, city, state and zip code.

(b) Failure to notify the Board of any change in a licensee's address of record pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h) and the imposition of penalties set forth in N.J.S.A. 45:1-25.

(c) Service of any administrative complaint or other Board-initiated process at a licensee's address of record shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

Amended by R.1994 d.523, effective October 17, 1994.

See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

Amended by R.1998 d.15, effective January 5, 1998.

See: 29 N.J.R. 3110(a), 30 N.J.R. 90(a).

Inserted (b).

Amended by R.2005 d.100, effective April 4, 2005.

See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

Rewrote the section.

### 13:36-4.3 Legal name change

(a) If a licensee changes his or her name, the change shall only be recorded by the Board upon receipt of legal documentation to substantiate the name change.

(b) If it is necessary to issue a duplicate license certificate, the original certificate shall be returned for cancellation, if possible.

Amended by R.1984 d.341, effective August 6, 1984.

See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).

Substituted new text for (a) and deleted old text.

Amended by R.2005 d.100, effective April 4, 2005.

See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

### 13:36-4.4 New installations

(a) Except as provided in N.J.A.C. 13:36-4.13, any person, corporation, partnership, limited liability partnership, limited liability company or other business entity desiring to operate, maintain, or use a mortuary shall first apply to the Board and remit payment of the fee provided in N.J.A.C. 13:36-1.6 for a new installation inspection and an application for certificate of registration.

(b) A new installation inspection of the premises shall be made by the inspector before a certificate of registration is granted.