

CHAPTER 36

STATE BOARD OF MORTUARY SCIENCE

Authority

N.J.S.A. 45:7-38.

Source and Effective Date

R.1994 d.523, effective September 19, 1994.
See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

Executive Order No. 66(1978) Expiration Date

Chapter 36, State Board of Mortuary Science, expires on September 19, 1999.

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, Subchapters 1 through 8, 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 Subchapter 7, Embalming Schools, was repealed by R.1985 d.293, effective June 17, 1985.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 was readopted as R.1989 d.540, effective September 27, 1989. See: 21 N.J.R. 1971(a), 21 N.J.R. 3474(b). A new 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 was readopted as R.1994 d.523. See: Source and Effective Date. See, also, section annotations.

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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."

13:36-1.2 (Reserved)

Repealed by R.1984 d.341, effective August 6, 1984.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 "Office of the Board."

13:36-1.3 Board meetings

(a) The Board shall hold an annual meeting in May each year, or at such other time as the President may direct, at which time the President and Secretary of the Board shall be elected for the ensuing year.

(b) Special meetings of the Board may be called by the President upon reasonable notice being given to the members. In the event of unavailability of the President for illness or otherwise, three members of the Board shall have the power to call a special meeting in cases of emergency.

Amended by R.1984 d.341, effective August 6, 1984.
 See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).
 "July" changed to "May"; "five days" changed to "reasonable".

13:36-1.4 Duties of Executive Director

(a) The Executive Director shall be in full charge of office administration. It shall be his or her duty to:

1. Receive complaints and answers;
2. Set and calendar cases for hearings;
3. Issue notices of hearing and statements to respondents;
4. Perform any and all duties which the Board may from time to time impose upon him or her.

Amended by R.1994 d.523, effective October 17, 1994.
 See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

13:36-1.5 Inspector's duties

(a) The inspector shall:

1. Inspect mortuaries for cleanliness wherein practitioners of mortuary science are practicing;
2. Where necessary, view dead human bodies which have been placed in the care of any practitioner of mortuary science;
3. Inspect the license and registration of practitioners of mortuary science;
4. Verify employment and check credentials of all interns in training;
5. Visit any place where the practice of embalming is being conducted or where a funeral is in process of being directed; provided, however, that such visitation shall be

made in a respectful and decorous manner, as may be fitting the presence of the dead;

6. Visit any cemetery, crematory or public mausoleum for the purpose of determining whether dead human bodies entrusted to the care of a practitioner of mortuary science or funeral director are being properly disposed of according to law.

(b) The inspector shall perform such other duties as may be directed by the Board and shall report to the Board at each regular meeting and at such other times as the Board may direct.

Amended by R.1984 d.341, effective August 6, 1984.
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).
Amended by R.1994 d.523, effective October 17, 1994.
See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

13:36-1.6 Fees and charges

(a) There shall be paid to the State Board of Mortuary Science the following fees:

1. Application fee	\$ 50.00;
2. Initial license fee:	
i. During the first year of a biennial renewal period	\$170.00
ii. During the second year of a biennial renewal period	85.00
3. Initial certificate of registration for a mortuary:	
i. During the first year of a biennial renewal period	350.00
ii. During the second year of a biennial renewal period	175.00
4. Licensure examination fee	125.00
5. Practical examination fee	75.00
6. Intern registration fee	75.00
7. New installation inspection fee	150.00
8. Rules and regulations	5.00
9. Biennial license renewal fees:	
i. Practitioner	170.00
ii. Embalmer	170.00
iii. Funeral director	170.00
iv. Mortuary certificate of registration	350.00
v. Late renewal fee (first 30 days)	100.00
10. Change of manager registration fee	35.00
11. Funeral home name change fee	40.00
12. Duplicate license fee	25.00
13. Replacement, embossed registration certificate fee	25.00
14. Reinstatement fee (after 30 days) plus initial license fee	150.00
15. Verification of licensure	25.00

Amended by R.1974 d.281, effective October 9, 1974.
See: 6 N.J.R. 451(b).

Amended by R.1982 d.105, effective April 5, 1982.
See: 13 N.J.R. 367(c), 14 N.J.R. 346(d).

(a)2, 3, 4, and 5; fees were "\$50.00"; "\$25.00"; "\$25.00" and "\$25.00" respectively.

Amended by R.1985 d.175, effective April 15, 1985.
See: 17 N.J.R. 50(a), 17 N.J.R. 973(a).

Fees have been raised.

Amended by R.1988 d.158, effective April 18, 1988.
See: 20 N.J.R. 177(a), 20 N.J.R. 912(a).

New fees and increases.

Amended by R.1990 d.372, effective August 6, 1990.
See: 22 N.J.R. 1328(a), 22 N.J.R. 2331(b).

Added a revival fee for lapsed license and rescinded \$25.00 fee for each year license not renewed.

Amended by R.1991 d.356, effective July 15, 1991.
See: 23 N.J.R. 1063(b), 23 N.J.R. 2160(a).

Deleted (a)1, 3, 6, 8, 9; (a)11iv. Added (a)1 through 3. Redesignated existing (a)2, 4, 5, 10, 11, 12, 13, 14, 15 as (a)4, 5, 6, 8, 9, 10, 11, 12, 13 with fee changes. Changed fee in (a)7. Redesignated existing (a)11v as (a)9iv with fee change. Added (a)9v, (a)14 and 15.

Amended by R.1994 d.523, effective October 17, 1994.
See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

13:36-1.7 (Reserved)

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 "Amendments."

13:36-1.8 Record keeping by practitioner of mortuary science

(a) All licensed practitioners of mortuary science shall be required to maintain full, accurate records of all funerals which they conduct or in which they participate in any manner.

(b) Such records are to be kept, electronically or otherwise, on an annualized basis for six years and each funeral will be designated by a number assigned consecutively at the time funeral arrangements are made. The information on such records shall be recorded after the completion of each funeral.

(c) Such records are to include the following:

1. The Statement of Funeral Goods and Services Selected;
2. Cemetery in which burial was made or name of crematorium where appropriate, and the charges made by the cemetery or crematorium;
3. The name and address of any church, synagogue and/or clergy who participated in the funeral service and who received any offering or honorarium, and the amount thereof, if paid by the funeral home;
4. Date of disposition; and
5. The final bill.

Amended by R.1973 d.119, effective May 1, 1973.

See: 5 N.J.R. 115(a), 5 N.J.R. 195(a).

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

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

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

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

13:36-1.9 Statement of Funeral Goods and Services Selected

(a) The practitioner shall compile a "Statement of Funeral Goods and Services Selected" form. The form shall be on a single sheet of paper and shall include at least the following information:

1. The full name of the funeral home, address, telephone number, manager's name and funeral file number;
2. The full name, legal address, and date and place of death of the deceased;
3. The name and address of the person making the funeral arrangements;
4. Estimated charges;
5. All charges relative to the funeral, broken down into at least the five general categories set forth in (d) below, with subtotals and grand totals as indicated;
6. Cash disbursements paid by the family; and
7. The funeral record number as required by N.J.A.C. 13:36-1.8(b).

(b) Promissory notes and other non-related items shall not be included on the form.

(c) A contract may appear at the bottom of the form. If included, it shall be separated from the form by a horizontal line extending across the face of the page, and the heading

“Contract” shall appear immediately below the horizontal line.

(d) All charges relative to the funeral shall be categorized as follows:

STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.

CATEGORY I—PROFESSIONAL SERVICES

- 1. Basic Services of Funeral Director and Staff \$
 - 2. Embalming (including use of preparation room and sanitary care) \$
- If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain below.
- 3. Sanitary Care, Without Embalming \$
 - 4. Other (Specify) \$
- Category I TOTAL \$

CATEGORY II—OTHER STAFF AND RELATED FACILITIES

- 1. Use of Facilities and Staff for Viewing \$
 - 2. Use of Facilities and Staff for Funeral Ceremony \$
 - 3. Use of Facilities and Staff for Memorial Service \$
 - 4. Use of Equipment and Staff for Graveside Service \$
 - 5. Other (Specify) \$
- Category II TOTAL \$

CATEGORY III—TRANSPORTATION

- 1. Transfer of Remains to Funeral Home \$
 - 2. Use of Hearse \$
 - 3. Use of Limousine(s) \$
 - 4. Use of Flower Car(s) \$
 - 5. Other (Specify) \$
- Category III TOTAL \$

OPTIONAL PACKAGED SERVICES—Direct Cremation, Immediate Burial.

If an optional packaged service is selected, categories I through III are not applicable.

CATEGORY IV—MERCHANDISE

- 1. Casket (Description to include manufacturer, name or model number, type of material and interior material) \$
 - 2. Vault/Outer Burial Enclosure (Description to include manufacturer, name or model number, and type of material) \$
 - 3. Clothing \$
 - 4. Other (Specify—Items may be packaged for individual items less than \$100.00 each) \$
- Category IV TOTAL \$

CATEGORY V—CASH DISBURSEMENTS (Estimated)

- 1. Cemetery or Crematory \$
 - 2. Clergy (and/or Church) \$
 - 3. Pallbearers \$
 - 4. Certified Copies of Death Certificate and Permit Fee \$
 - 5. Newspaper Notices \$
 - 6. Other (Specify) \$
- Category V TOTAL \$
- GRAND TOTAL \$

I have prepared the above Statement of Funeral Goods and Services Selected.

I have read and received a copy of the Statement of Funeral Goods and Services Selected.

Signature of Practitioner and License #

Signature of Person Making Arrangements and Date

For Name of Funeral Home

Relationship of Deceased
Street Address
City, State, Zip Code

IF ANY LAW, cemetery or crematory requirements have required the purchase of any of the items listed above, the law or requirement is described below.

- Crematory requires container to surround the remains.
- Your cemetery requires an outer burial container
- Other: _____

REASONS FOR EMBALMING:

- Family authorized.
- Other: _____

(e) A practitioner who offers the Optional Packaged Services and has that offer accepted by a consumer shall not be required to detail the charges for Categories I through III, which are then not applicable. It shall not be mandatory for practitioners to include the category of “Optional Packaged Services” on the Statement of Funeral Goods and Services Selected form if they do not offer for sale the services of Direct Cremation, Immediate Burial, Forwarding of Remains and/or Receiving of Remains.

(f) Immediately upon completing the “Statement of Funeral Goods and Services Selected” form, the practitioner and the consumer shall sign the form where indicated. The practitioner shall immediately provide a copy to the person for whom the form was prepared.

(g) Any change, addition or deletion authorized by the purchaser after the completion of the form shall be included on the final bill.

Amended by R.1973 d.119, effective May 1, 1973.
See: 5 N.J.R. 115(a), 5 N.J.R. 195(a).
Amended by R.1984 d.341, effective August 6, 1984.

1. State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or

2. Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or

3. The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider shall disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with a viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

(b) To prevent the unfair or deceptive acts or practices mentioned in (a) above, funeral providers shall include on the contract, final bill, or other written evidence of the agreement or obligation given to the customer, the statement: "If you selected a funeral which requires embalming, such as a funeral with viewing you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as direct cremation or immediate burial. If we charged for embalming, we will explain why below."

13:36-9.18 Retention of documents

To prevent the unfair or deceptive acts or practices specified in this subchapter, funeral providers shall retain and make available for inspection by Board officials true and accurate copies of the price lists specified in N.J.A.C. 13:36-9.5, 9.6 and 9.7, as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by N.J.A.C. 13:36-9.8 for at least six years from the date on which the statement was signed, in conformity with N.J.A.C. 13:36-1.9.

13:36-9.19 Comprehension of disclosures

To prevent the unfair or deceptive acts or practices specified in this subchapter, funeral providers shall make all disclosures required in a clear and conspicuous manner.

SUBCHAPTER 10. CONTINUING EDUCATION

Authority

N.J.S.A. 45:7-72.1, and 72.2 (P.L. 1995, c.192).

Source and Effective Date

R.1997 d.162, effective April 7, 1997.
See: 29 N.J.R. 408(a), 29 N.J.R. 1340(b).

13:36-10.1 Purpose and scope

(a) The rules established by this subchapter are designed to ensure that the practitioners of mortuary science maintain the highest degree of quality in their profession.

(b) The requirements set forth under this subchapter apply to all Board licensees practicing mortuary science in the State of New Jersey as a condition of biennial licensure, except where the rules provide for exemption or waiver.

13:36-10.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Board" means the State Board of Mortuary Science of New Jersey.

"Committee" means the Credentials Committee established by the Board pursuant to N.J.A.C. 13:36-10.5.

"Person" means any person as defined in N.J.S.A. 56:8-1.

"United States Armed Forces" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, and United States Coast Guard.

13:36-10.3 Minimum credit hours for biennial license

(a) The Board shall not renew a mortuary science license for the biennial renewal period commencing March 1, 1999, or any following year, unless the licensee submits with the renewal application proof that he or she has completed courses of continuing professional competency of the types and number of credits specified in this subchapter. Proof of completion of the required number of professional development hours shall be in the form outlined in N.J.A.C. 13:36-10.10.

(b) By the end of each biennial licensing period, every licensee shall, as a condition of license renewal, have successfully completed 10 credit hours of continuing education courses or seminars, accredited by the Board.

(c) Licensees shall not be permitted to carry over credit hours in excess of those required for one biennial licensure period to the next biennial licensure period.

13:36-10.4 Exemption

(a) A person employed on a full-time basis by the Federal, State, county or municipal government who is not permitted by law or rule to actively engage in the practice of mortuary science shall be exempt from complying with the continuing education requirements of N.J.A.C. 13:36-10.3.

(b) A licensee who elects to become inactive shall not be required to demonstrate compliance with N.J.A.C. 13:36-10.3.

(c) A licensee who elects to be inactive pursuant to N.J.A.C. 13:36-4.14 shall be exempt from compliance with the continuing education requirements of N.J.A.C. 13:36-10.3 for any biennial period, or portion thereof, during which a licensee is inactive.

Amended by R.1997 d.514, effective December 1, 1997.
See: 29 N.J.R. 4072(a), 29 N.J.R. 5071(a).

Denoted the existing paragraph as (a); and added (b) and (c).

13:36-10.5 Waiver of continuing competency requirement

(a) The Board may, in its discretion, waive continuing competency requirements on an individual basis for reasons of hardship, such as illness or disability, or other good cause shown.

(b) Any licensee seeking a waiver of the continuing competency requirement must apply to the Board, in writing, no later than three months prior to the expiration of the biennial licensing period then in effect, and set forth with specificity the reasons for requesting the waiver. The licensee shall also provide the Board with such additional information as it may reasonably request in support of the waiver request.

(c) A person licensed for the first time by the Board shall have all continuing competency requirements waived solely for the remainder of that biennial licensing period.

(d) A licensee serving on active duty in the United States Armed Forces for a period of time exceeding 200 consecutive days in a biennial period shall have all continuing competency requirements waived for that biennial period.

13:36-10.6 Credentials Committee

(a) The Board shall appoint a Credentials Committee to assist it in establishing guidelines and criteria for the approval of continuing education courses and seminars. The Committee shall consist of three members of the Board. Members of the Committee shall serve for one year from the date of appointment, unless they are serving the unexpired term of a former member, in which event they shall serve for the remainder of the unexpired term.

(b) The Credentials Committee's responsibilities shall include:

1. Making recommendations to the Board regarding the approval of continuing education courses and seminars and the number of credit hours to be assigned to courses or seminars in satisfaction of the requirements of N.J.A.C. 13:36-10.3;
2. Developing procedures for the internal operation of the Committee; and
3. Maintaining substantive criteria for continuing education courses or seminars, which courses or seminars may include topics which:

i. Concern professional competency, ethics and legal developments relating to the practice of mortuary science;

ii. Examine and train licensees in the utilization and application of new techniques and scientific and clinical advances relating to mortuary science; and

iii. Deal with business management concepts as they relate to the delivery of efficient professional services to consumers.

13:36-10.7 Criteria for continuing competency programs

(a) A course of acceptable subject matter shall directly and materially relate to the practice of mortuary science and shall be:

1. A formal course of learning which contributes directly to the maintenance of professional competence of a licensee;
2. At least one instructional hour in duration; and
3. Conducted by a qualified instructor or workshop leader.

(b) A program provider or a licensee seeking Board approval for a course of acceptable subject matter shall submit the following to the Board:

1. Information to document the elements of (a) above, in writing, and on a form provided by the Board, including, but not limited to:
 - i. A detailed description of course content and estimated hours of instruction; and
 - ii. The curriculum vitae of the lecturer, including specific background which qualifies the individual as a lecturer of repute in the area of instruction.

13:36-10.8 Presumptive accreditation and list of accredited courses

(a) The Board shall grant credit for successful completion of the following, provided that the course or program meets the criteria of N.J.A.C. 13:36-10.7 and that any other source of credit directly and materially relates to the practice of mortuary science:

1. College courses;
2. Continuing education courses;
3. Correspondence, televised, videotaped and other short courses/tutorials;
4. Seminars, in-house courses, workshops and technical programs at professional meetings and conferences;
5. Teaching or instruction in (a)1, 2 and 4 above; and
6. Published papers, articles or books authored by the licensee.