

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 400

Short Title: Mortuary Science Regs.

(Public)

Sponsors: Representatives Mercer; Hardaway, H. Hunter, and Smith.

Referred to: State Government.

March 28, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES IN THE BOARD OF MORTUARY
3 SCIENCE PROCEDURES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-210.18(c)(4) reads as rewritten:

6 "(4) Nomination of candidates for election shall be made to the Board
7 of Mortuary Science Elections by a written petition signed by not
8 less than 20 embalmers, funeral directors or funeral service
9 licensees licensed to practice in North Carolina, and filed with said
10 Board of Mortuary Science Elections subsequent to the ~~fifteenth~~
11 first day of May of the year in which the election is to be held and
12 not later than midnight of the ~~fifteenth~~first day of August of such
13 year, or not later than such earlier date (not before July 1) as may
14 be set by the Board of Mortuary Science Elections: Provided, that
15 not less than 10 days' notice of such earlier date shall be given to
16 all embalmers, funeral directors and funeral service licensees
17 qualified to sign a petition of nomination."

18 Sec. 2. G.S. 90-210.18(c)(8) reads as rewritten:

19 "(8) The said ballots shall be canvassed by the Board of Mortuary
20 Science Elections beginning at ~~noon~~1:00 p.m. on a day and at a
21 place set by said Board and announced by it in the notice
22 accompanying the sending out of the ballots and envelopes, said
23 date to be not later than four days after the date fixed by the Board
24 for the closing of the balloting. The canvassing shall be made

1 publicly and any licensed embalmer, funeral director or funeral
2 service licensee may be present. The counting of ballots shall be
3 conducted as follows: The envelopes shall be displayed to the
4 persons present and an opportunity shall be given to any person
5 present to challenge the qualification of the voter whose signature
6 appears on the envelope or to challenge the validity of the
7 envelope. Any envelope (with enclosed ballot) challenged shall be
8 set aside, and the challenge shall be heard later or at that time by
9 said Board. After the envelopes have been so exhibited, those not
10 challenged shall be opened and the ballots extracted therefrom,
11 insofar as practicable without showing the marking on the ballots,
12 and there shall be a final and complete separation of each envelope
13 and its enclosed ballot. Thereafter each ballot shall be presented for
14 counting, shall be displayed and, if not challenged, shall be
15 counted. No ballot shall be valid if it is marked for more nominees
16 than there are positions to be filled in that election: Provided, that
17 no ballot shall be rejected for any technical error unless it is
18 impossible to determine the voter's choices or choice from the
19 ballot. The counting of ballots shall be continued until completed.
20 During the counting, challenge may be made to any ballot on the
21 grounds only of defects appearing on the face of the ballot. The
22 said Board may decide the challenge immediately when it is made
23 or it may put aside the ballot and determine the challenge upon the
24 conclusion of the counting of the ballots."

25 Sec. 3. G.S. 90-210.23(e) reads as rewritten:

26 "(e) The Board is empowered to regulate and inspect, according to law, funeral
27 service establishments, their operation and the licenses under which they are operated,
28 and to enforce as provided by law the rules, regulations and requirements of the
29 Division of Health Services and of the city, town or county wherein any such funeral
30 service establishment is maintained and operated. Any funeral establishment which,
31 upon inspection, is found not to meet all of the requirements of this Article shall pay a
32 reinspection fee to the Board for each additional inspection that is made to ascertain that
33 the deficiency or other violation has been corrected."

34 Sec. 4. G.S. 90-210.25(a)(4) reads as rewritten:

35 "(4) a. A person desiring to become a resident trainee shall apply to the
36 Board on a form provided by the Board. The application shall state that
37 the applicant is not less than 18 years of age, of good moral character,
38 and is the graduate of a high school or the equivalent thereof, and shall
39 indicate the licensee under whom the applicant expects to train. A
40 person training to become an embalmer may serve under either a
41 licensed embalmer or a funeral service licensee. A person training to
42 become a funeral director may serve under either a licensed funeral
43 director or a funeral service licensee. A person training to become a
44 funeral service licensee shall serve under a funeral service licensee.

1 The application must be sustained by oath of the applicant and be
2 accompanied by the appropriate fee. When the Board is satisfied as to
3 the qualifications of an applicant it shall instruct the secretary to issue
4 a certificate of resident traineeship.

5 b. When a resident trainee leaves the proctorship of the licensee
6 under whom the trainee has worked, the licensee shall file with
7 the Board an affidavit showing the length of time served with
8 the licensee by the trainee, and the affidavit shall be made a
9 matter of record in the Board's office. The licensee shall deliver
10 a copy of the affidavit to the trainee.

11 c. A person who has not completed the traineeship and wishes to
12 do so under a licensee other than the one whose name appears
13 on the original certificate may reapply to the Board for
14 approval, without payment of an additional fee.

15 d. A certificate of resident traineeship shall be signed by the
16 resident trainee and upon payment of the renewal fee shall be
17 renewable one year after the date of original registration; but
18 the certificate may not be renewed more than one time. The
19 Board shall mail to each registered trainee at his last known
20 address a notice that the renewal fee is due and that, if not paid
21 within 30 days of the notice, the certificate will be canceled. A
22 penalty, in addition to the renewal fee, shall be charged for a
23 late renewal, but the renewal of the registration of any resident
24 trainee who is engaged in the active military service of the
25 United States at the time renewal is due may, at the discretion
26 of the Board, be held in abeyance for the duration of that
27 service without penalties. No credit shall be allowed for the 12-
28 month period of resident traineeship that shall have been
29 completed more than three years preceding the examination for
30 a license.

31 e. All registered resident trainees shall report to the Board at least
32 every three months during traineeship upon forms provided by
33 the Board listing the work which has been completed during the
34 preceding three months of resident traineeship. The data
35 contained in the reports shall be certified as correct by the
36 licensee under whom the trainee has served during the period
37 and by the licensed person who is managing the funeral service
38 establishment. Each report shall list the following:

- 39 1. For funeral director trainees, the conduct of any funerals
40 during the relevant time period,
- 41 2. For embalming trainees, the embalming of any bodies
42 during the relevant time period,

- 1 3. For funeral service trainees, both of the activities named
2 in 1 and 2 of this subsection, engaged in during the
3 relevant time period.
- 4 f. To meet the resident traineeship requirements of G.S. 90-
5 210.25(a)(1), G.S. 90-210.25(a)(2) and G.S. 90-210.25(a)(3) the
6 following must be shown by the affidavit(s) of the licensee(s)
7 under whom the trainee worked:
- 8 1. That the funeral director trainee has, under supervision,
9 assisted in directing at least 25 funerals during the
10 resident traineeship,
- 11 2. That the embalmer trainee has, under supervision,
12 assisted in embalming at least 25 bodies during the
13 resident traineeship,
- 14 3. That the funeral service trainee has, under supervision
15 assisted in directing at least 25 funerals and, under
16 supervision, assisted in embalming at least 25 bodies
17 during the resident traineeship.
- 18 g. The Board may suspend or revoke a certificate of resident
19 traineeship for violation of any provision of this Article.
- 20 h. Each sponsor for a registered resident trainee must during the
21 period of sponsorship be actively employed with a funeral
22 establishment. The traineeship shall be a primary vocation of
23 the trainee.
- 24 i. Only one resident trainee may register and serve at any one time
25 under any one person licensed under this Article.
- 26 ~~j. The Board shall not register a resident trainee unless it is shown~~
27 ~~that the funeral establishment where he is to be employed had at~~
28 ~~least 35 funerals during the 12 months immediately preceding~~
29 ~~the date of the application.~~
- 30 k. The Board shall not register more than one resident trainee for
31 each 150 funerals had by the funeral establishment during the
32 12 months immediately preceding the date of the application."
- 33 Sec. 5. This act is effective upon ratification.