

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 400  
Second Edition Engrossed 5/8/91

Short Title: Mortuary Science Regs.

(Public)

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

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Referred to: State Government.

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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

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

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

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

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

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

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

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

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

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

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

- 40 1. For funeral director trainees, the conduct of any funerals  
41 during the relevant time period,
- 42 2. For embalming trainees, the embalming of any bodies  
43 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.