



Montana Department of LABOR & INDUSTRY

MONTANA BOARD OF FUNERAL SERVICE

MONTANA BOARD OF FUNERAL SERVICE
P.O. Box 200513
Helena, MT 59620-0513

WWW.FUNERAL.MT.GOV
(406) 841-2300
FAX (406) 841-2305
dlibsdfnr@mt.gov

Fall 2016 Edition

CURRENT BOARD MEMBERS

- John Tarr – Chair, Public Member**
Helena, MT – Term Ends 7/1/17
- Donna Amaro – Vice Chair, Mortician**
Helena, MT – Term Ends 7/1/19
- James Axelson – Secretary, Cemeterian**
Butte, MT – Term Ends 7/1/17
- Steve Schnider – Mortician**
Ulm, MT – Term Ends 7/1/18
- Todd Stevenson – Mortician**
Miles City, MT – Term Ends 7/1/17
- Michael Thompson – Crematory Operation**
Ronan, MT – Term Ends 7/1/20

DEPARTMENT STAFF

- Lucy Richards – Executive Officer**
- Michele Peterson-Cook – Board Counsel**
- Dylan Gallagher – Department Counsel**
- Eleanor Tinsley – Compliance Officer**
- Gary Refsland – Inspector (Contract Employee)**

BOARD MEETING DATES

- October 5, 2016 – HELENA (last meeting)**
- November 30, 2016 – HELENA (next meeting)**

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Executive Officer Report

By Lucy Richards, Executive Officer

Greetings everyone!

Welcome to the first newsletter for the Montana Board of Funeral Service. As the current executive officer for the board, I hope you find this newsletter informative and direct. It will be e-mailed to all licensees with current e-mail addresses and posted to the board's website. The board is planning to publish these newsletters on a quarterly basis. Our goal is to help keep you, the licensees, up-to-date on board activities and other relevant information. Please feel free to contact me if you have any questions.

Current Licensee Numbers (as of 10/14/16)

- 10 Cemeteries
- 36 Crematories
- 72 Mortuaries
- 13 Mortuary Branches
- 80 Crematory Operators
- 34 Crematory Technicians
- 150 Morticians
- 9 Mortician Interns

2017 Legislative Session Update

- The board is not proposing any legislation for the 2017 Session.
- At its November 30 meeting the board will review any bill proposals put forward by other parties which relate to its regulatory authority. The board will then determine whether or not it would like to take a position on those bills.
- As of the date of this newsletter, the board has not taken a position on any proposed legislation.

Important Dates and Information

- **January 2, 2016** – first day of the 2017 Legislative Session
- On a national level, the International Conference of Funeral Service Examining Board met on September 19, 2016, and approved updates to the exam program. More information can be found on its [website](#). Note: Montana requires passage of the national exam for licensure as a mortician/mortician intern.





Board Regulations & How They Can Change

By Lucy Richards, Executive Officer

Board laws and regulations fall into three main categories: statutes, rules, and policies. To use an analogy, statutes are a house's foundation and framework; rules are the plumbing, electric, walls, and floors; and policies are the furniture and appliances.

Statutes or Montana Code Annotated (MCA) are the board's overarching laws governing funeral service. MCA can only be enacted by the Legislature (i.e. every other year unless there is a special session). Ideas for bills are put forward by many different parties including boards, state agencies, constituents, and the Legislature itself. For more information on the legislative process, visit the [Legislature's website](#).

MCA gives the board authority to engage in rulemaking. The Administrative Rules of Montana (ARM or rules) cannot contradict or expand statute. Their purpose is to implement and interpret MCA. The board can initiate changes to its ARM at any time. However, rulemaking is a formal statutory process and the board cannot implement a change by simple vote. The board must file notice of any proposed changes with the [Secretary of State's Office](#). Interested parties are given the opportunity to offer comments prior to final adoption. The [rulemaking process](#) typically takes three to six months to complete once the board files its initial proposal with the Secretary of State.

Finally, policies are guiding principles or statements to carry out board business within the context of MCA and ARM. Policy cannot contradict or supersede MCA or ARM. Changes to policy can be enacted immediately upon a vote by the board. Go to www.funeral.mt.gov and click on the "Regulations" tab for more information on the laws and regulations of the board.

Updated Mortician & Mortician Intern Education Requirements

By Lucy Richards, Executive Officer

In 2015 the Montana Legislature passed legislation clarifying education requirements for Montana licensure as a mortician or mortician intern. This was to ensure Montana's standards remain consistent with national standards from the American Board of Funeral Service Education (ABFSE). In addition to the legislation, the board saw a need to make several other updates to its licensing rules for new and out-of-state applicants under [ARM 24.147.402](#) and [ARM 24.147.501](#). These updates were to further fulfill public safety needs.

Changes Were Effective as of February 20, 2016

- The proposed changes first discussed by the board in August 2015 were filed with the Secretary of State in October 2015. Per the rulemaking process, there was a public comment period prior to final adoption (see adjacent article for more information on the rulemaking process).

What Actually Changed and Why?

- To remain consistent with national requirements, applicants who are not currently licensed in another state must have either:
 - a 4-year baccalaureate degree in funeral service or mortuary science (ABFSE accredited program); or
 - a 2-year associates degree in funeral service or mortuary science with 60 semester or 90 quarter credits (ABFSE accredited program) and an additional 30 semester or 45 quarter credits from an accredited college or university (see [ARM 24.147.402\(1\)](#) for acceptable course subjects).
- Applicants not licensed in another state must have passed the International Conference of Funeral Service Examining Board (Conference) exam within 5 years prior to the date they applied for licensure. The reasoning is public health issues change and skills learned in school can diminish over time if a person is not actively using those skills.
- The board clarified the following for morticians currently licensed in another state who are applying through "reciprocity".
 - Licensing standards in the other state must be substantially equivalent to Montana at the time of application. For example, if you are licensed in Texas and apply in Montana on 10/31/16, Texas' laws as they stand on 10/31/16 must be substantially equivalent to Montana. The change is to clarify any confusion as to when another state's standards are actually measured.
 - The date the Conference exam was taken does not matter if an applicant has been actively engaged in practice for 5 of the last 7 years. If the applicant was not actively in practice for 5 of the last 7 years, he/she needs to have passed the Conference exam within 5 years prior to the application date (for the same reasons described above).

What Does This Mean for Me?

- If you applied for a license after 2/19/16, you must meet the requirements described above.
- If you have a current Montana license, you do not need to meet new requirements as long as you keep your license current by meeting continuing education requirements and renewing annually. However, there is no "grandfather clause" if you let your Montana license terminate. To be re-licensed you would have to reapply under the new requirements.





Administrator's Corner

Greetings,

It has been a busy summer and fall for the staff of the Business Standards Division. Staff have been busy all year, and with a significant increase in new applications over calendar year 2015, we have not seen some of the usual lulls in licensing activity.

We have made tremendous progress on several Accela projects and are also in the process of rolling out conversions of licensing board websites. This conversion will allow BSD staff to make routine changes to the website in lieu of submitting requests to IT programmers. The end result is expected to be more timely and frequent updates to our board websites.

Additionally, coordination of legislation and board budgets is taking place in anticipation of the 2017 Montana Legislative Session. Executive officers are working with the boards to ensure any necessary budget inputs have been received, and requests for legislation and/or permission to testify are being processed.

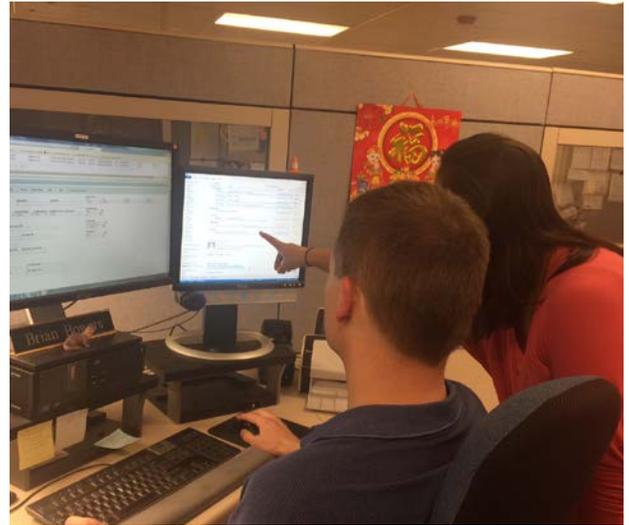
As always, thank you for the important work you do, and please don't hesitate to contact me with question and/or concerns. I look forward to seeing you at your next board meeting!

Todd Younkin
Business Standards Division Administrator

Recent Board Activities

By Lucy Richards, Executive Officer

- At its June 30, 2016, meeting the board voted to make the jurisprudence exam for morticians and mortician interns open book. The exam is now included as part of the license application.
- The board will be discussing the issues of mortician in charge duties; transportation of remains across state lines; and potential coroner/mortician conflicts at its November 30 meeting.
- The board is establishing a subcommittee to review administrative rules pertaining to funeral and cemetery trusts. It is also going to begin looking at establishing audit guidelines for those trusts. Work on these issues will continue through 2017.
- Between July 2015 and August 2016 the board issued the following new licenses: 2 cemetery; 1 crematory, 5 crematory operator, 10 crematory technician, 6 mortician intern, 9 mortician, and 3 mortuary. Look for a more in-depth article on the board's licensing history in the Winter 2017 newsletter.



Department of Labor and Industry staff Brian Bowers and Mary Charlton discuss license applications.

Bringing Concerns to the Board

By Lucy Richards, Executive Officer

There is a perception that filing a formal complaint is the only way for licensees to get the board to listen to their issues. In fact, there are other, less costly ways for licensees and general members of the public to ensure concerns are heard.

Sign-up for the board's interested parties list to get notice of upcoming board meetings. By law, all meetings have public comment during which anyone can comment on topics within the board's purview not already on the agenda. The board cannot take action that day; but, it can listen and choose to address those concerns at another meeting. If you don't know what the board has been doing recently you can visit the [board's meeting webpage](#) to view past agendas and listen to audio recordings of those meetings.

You can always [e-mail the board](#) your questions, comments, and concerns. As executive officer, I will get back to you if they are questions I can address. If you are requesting board action I will work with the board chair to put those issues on upcoming meeting agendas. I also keep a running list of topics brought to my attention by the board's funeral inspector, Gary Refsland.

I have only been with the board for six months, but I have found it is very rarely just one person who is concerned about something. The board and its licensees grapple with important issues that impact public safety. In the end, the best recommendation I have for staying involved is: stay involved. You can always contact me at 406-841-2394 or dlibsdfnr@mt.gov.