

No. 2000-48

## AN ACT

HB 1601

Amending the act of January 14, 1952 (1951 P.L.1898, No.522), entitled, as amended, "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons and registration of corporations engaging in the care, preparation and disposition of the bodies of deceased persons, and providing penalties; providing for a State Board of Funeral Directors in the Department of State, and repealing other laws," providing for limited licenses and continuing education requirements.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 9(b) of the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law, amended October 5, 1978 (P.L.1074, No.250), is amended and the section is amended by adding a subsection to read:

Section 9. Licensees under Prior Laws and from Other States.—\* \* \*

(b) The board may grant licenses to individuals from other states if: (1) the applicants' [(1)] standards and qualifications for licensing are at least as high as those provided hereby, (2) similar privileges are accorded persons licensed in this Commonwealth, (3) the applicants hold valid licenses from their state of residence, and (4) the terms and conditions prescribed by the board are complied with.

*(c) The board may, in its discretion, enter into an agreement with the corresponding licensing authority of any other state to issue limited licenses which would permit persons duly licensed as funeral directors in either state to enter into the other state for the purpose of removing, transporting and burying dead human bodies and directing funerals, or any combination thereof, in the same manner as if licensed under the laws of such other state, except that such persons shall not maintain an establishment, advertise or hold themselves out, directly or through any agent or agency or otherwise, as funeral directors other than in the state in which they are licensed. Any such agreement between the board and the corresponding licensing authority of another state shall include a provision that the licensing authority issuing the limited license shall have the power to take disciplinary action against the holder of a limited license for any unprofessional conduct which may occur within the issuing licensing authority's jurisdiction and that any disciplinary action shall be reported to the corresponding licensing authority. The board shall have the power to promulgate regulations to implement the provisions of this section, including the establishment of necessary fees.*

Section 2. Section 10 of the act, amended June 13, 1961 (P.L.291, No.172), is amended to read:

Section 10. Expiration of Licenses; Renewal; *Continuing Education*.—(a) All valid funeral directors' licenses granted or renewed under this or any prior act shall expire on the first day of February of 1962, and biennially thereafter. It shall be the duty of the board, on or before the first day of November of each odd numbered year, to mail to every licensed funeral director a blank application for renewal of license. Renewal may be effected at any time during the month of January of every even numbered year by the filing of such application with the board together with such renewal fee as may be fixed by the department, with the approval of the board. The board may, at its discretion, renew the license of any funeral director who has failed to make application for renewal before the first day of February of any even numbered year.

(b) (1) *The board shall adopt, promulgate and enforce rules and regulations consistent with the provisions of this act establishing requirements of continuing education to be met by individuals licensed under this act as a condition for renewal of their licenses, except widows, widowers, executors or administrators licensed under section 8. Such regulations shall include any fees necessary for the board to carry out its responsibilities under this section.*

(2) *Beginning with the license period designated by regulation, such licensees shall be required to attend six (6) hours of mandatory continuing education during each two-year license period.*

(3) *An individual applying for licensure in this Commonwealth for the first time shall be exempted from the continuing education requirement for the biennial renewal period following initial licensure.*

(4) *The board may waive all or a portion of the continuing education requirement for biennial renewal to a licensee who shows to the satisfaction of the board that he or she was unable to complete the requirements due to serious illness, military service or other demonstrated hardship. The request shall be made in writing, with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver request shall be evaluated by the board on a case-by-case basis. The board shall send written notification of its approval or denial of a waiver request.*

(5) *A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.*

(6) *All courses, locations, instructors and providers shall be approved by the board. No credit shall be given for any course in office management.*

(7) *The board shall initiate the promulgation of regulations to carry out the provisions of this section within one (1) year of the effective date of this section.*

**Section 3.** This act shall take effect in 60 days.

**APPROVED**—The 22nd day of June, A.D. 2000.

**THOMAS J. RIDGE**