

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 477

*An Act to amend and reenact §§ 54.1-2813, 54.1-2816, and 54.1-2817 of the Code of Virginia, relating to the Department of Health Professions; Board of Funeral Directors and Embalmers; licensing of funeral service providers and approval of resident trainees.*

[H 2598]

Approved March 21, 2005

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2813, 54.1-2816, and 54.1-2817 of the Code of Virginia are amended and reenacted as follows:**

§ 54.1-2813. License for the practice of funeral service.

To be licensed for the practice of funeral service, a person shall (i) be at least ~~eighteen~~ 18 years of age; (ii) ~~not have been convicted of a felony~~; (iii) hold a high school diploma or its equivalent; ~~(iv)~~ (iii) have completed ~~no less than eighteen months~~ as a resident trainee *program prescribed by the Board in regulation*; ~~(v)~~ (iv) have graduated from a school of mortuary science or funeral service approved by the Board; and ~~(vi)~~ (v) have passed the examination for licensure.

The Board, in its discretion, may license an individual convicted of a felony if he has *successfully fulfilled all conditions of sentencing*, been pardoned, or has had his civil rights restored.

The Board, in its discretion, may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

§ 54.1-2816. License renewal; failure to return renewal form.

~~At least sixty days prior~~ Prior to the expiration of a license, the Board shall ~~mail~~ *provide* to each person licensed to practice funeral service, embalming, or funeral directing a ~~printed form to be completed and returned~~ *renewal notice and application to be submitted* to the Board together with the prescribed fee. *Upon request, the Board shall provide renewal notices by mail to any licensee.* The license of any person who does not ~~return~~ *submit* the completed form prior to the date of expiration shall automatically expire. The Board shall immediately notify the person of the expiration and the reinstatement requirements. The Board shall reinstate an expired license upon receipt, within ~~thirty~~ 30 days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the ~~thirty~~ 30-day period shall be at the discretion of the Board.

§ 54.1-2817. Resident trainees.

A person desiring to become a resident trainee shall apply on a form provided by the Board. The applicant shall attest that he ~~has not been convicted of a felony~~ and holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a resident trainee for an individual convicted of a felony, if he has *successfully fulfilled all conditions of sentencing*, been pardoned, or has had his civil rights restored. *The Board shall not, however, approve an application to be a resident trainee for any person convicted of embezzlement or of violating subsection B of § 18.2-126.*

The Board, in its discretion, may refuse to approve an application to be a resident trainee for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall ~~instruct the secretary to~~ issue a certificate of resident traineeship. When a resident trainee wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the resident trainee later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the resident trainee an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any resident trainee seeking permission to continue in-service training shall submit a request to the Board.

A certificate of resident traineeship shall ~~be signed by the resident trainee and~~ shall be renewable as prescribed by the Board. The Board shall mail at such time as it may prescribe by regulation, to each registered resident trainee at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any resident trainee who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered resident trainees shall report to the Board at least every six months upon forms provided by the Board, showing the work which has been completed during the preceding six months of resident traineeship. The data contained in the report shall be certified as correct by the person licensed

for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such resident trainee becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the trainee worked showing that the trainee has assisted in embalming at least ~~twenty-five~~ 25 bodies and that the trainee has assisted in conducting at least ~~twenty-five~~ 25 funerals. In all applications of resident trainees for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the resident traineeship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of resident traineeship that has been completed more than three years prior to application for license or more than five years prior to examination for license. *If all requirements for licensure are not completed within five years of initial application, the Board may deny an additional traineeship. A resident trainee may continue to practice for up to 90 days from the completion of his traineeship or until he has taken and received the results of all examinations required by the Board.* However, the Board may waive ~~these limitations~~ *such limitation* for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service. ~~The Board may also waive these limitations if it~~ *or if the Board* determines that ~~their~~ *enforcement of the limitation* will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of resident traineeship for violation of any provision of this chapter.

No more than two resident trainees shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered resident trainee must be actively employed by a funeral establishment.