

21 NCAC 34B .0311 SPECIAL PROCEDURES FOR LICENSING OF ACTIVE MILITARY PERSONNEL

(a) Definitions. As used in this Rule:

- (1) "Active military person" shall mean any person holding an applicable license or permit from the Board who meets the conditions of G.S. 105-249.2(a) and would be subject to any continuing education requirement, renewal fee, or renewal application to renew or reinstate any permit or license issued by the Board.
- (2) "Active military status" shall mean any active military person who is not practicing funeral service, funeral directing, or embalming because of military service.
- (3) "Active status" shall mean any person holding a license to practice funeral directing, funeral service, or embalming in good standing who has not been approved for an inactive license under the provisions of G.S. 90-210.25(a1).
- (4) "Applicant" shall mean the active military person or any person authorized to conduct business affairs for the active military person under the authority granted by a power of attorney executed under the laws of any state.

(b) The following provisions shall apply to funeral director, funeral service, and embalmer licenses only:

- (1) Any active military person wishing to claim active military status shall file a form provided by the Board. The applicant shall furnish the full name of the active military person; license number, address and telephone number of the active military person; date of active military service; anticipated date the active military person will resume practice, if known; and documentation from the branch of service demonstrating entitlement to active military status. The Board shall notify the applicant in writing of its decision on the application and shall place the active military person on active military status upon approving the application.
- (2) No fees or renewal applications shall be required during the period of active military status. Continuing education shall not be required for any calendar year when active military status is effective. Any calendar year in which continuing education is not required of the active military person shall be credited toward the total years of continuing education required by G.S. 90-210.25(a)(5)e.
- (3) Active military status shall terminate upon the earlier of return to active status or upon six months after severance from active military duty.
- (4) Any active military person may claim active military status retroactively within six months from severance from active military duty.
- (5) Any active military person whose license lapses for failing to timely claim active military status shall be subject to the provisions of reinstatement under G.S. 90-210.25(a)(5)b. and shall not be entitled to any waivers of continuing education, renewal fees, or reinstatement fees.
- (6) To return to active status, the active military person shall file an application for renewal and renewal fee for the calendar year regardless of the date of application.

(c) If any funeral establishment, crematory, or preneed establishment ceases operations because the active military person claims active military status, all such licenses or permits shall terminate upon transfer of the active military person to active military status. If the active military person resumes active status, any funeral establishment, preneed establishment, or crematory shall be required to apply for a new license or permit but shall only be required to pay the renewal fee to issue the new license or permit.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5),(a1); 93B-15(b); Eff. October 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.