

SUBCHAPTER 34B - FUNERAL SERVICE

SECTION .0100 - RESIDENT TRAINEES

Editor's Note: 21 NCAC 34B .0101 - .0125 was recodified from 21 NCAC 34 .0201 - .0225 Eff. February 7, 1991.

21 NCAC 34B .0101 CASE VOLUME OF ESTABLISHMENT

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0102 TRAINEESHIP

Each trainee must work at least 2,000 hours during the trainee's resident traineeship. Daytime and nighttime employment shall be acceptable so long as the trainee receives training in all aspects of the license sought, as defined in G.S. 90-210.20(e), (f), and (k).

History Note: Authority G.S. 90-210.23(a),(f); 90-210.25(a)(1)d.,(2)d.,(3)d.,(4);
Eff. February 1, 1976;
Readopted Eff. September 27, 1997;
Amended Eff. December 1, 2004; August 1, 1998; August 1, 1988; October 1, 1983; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0103 AUTHORIZED PRACTICE: SUPERVISION

(a) Duly certified resident trainees in training for funeral service, duly certified resident trainees in training for funeral directing and duly certified resident trainees in training for embalming, while participating in learning experiences and while supervised by a person licensed by the Board as a funeral service licensee, funeral director or embalmer, respectively, may assist in the practice of funeral service, funeral directing or embalming respectively, as limited by this Rule.

(b) A licensee wishing to supervise a trainee shall meet the following requirements:

- (1) The licensee shall have either practiced continuously in North Carolina for a minimum of five years before the date of the application, or shall have taken a trainee supervisor certification course provided by the Board; and
- (2) The licensee shall not have any disciplinary action taken by the Board or the licensing board of any other jurisdiction to suspend or revoke his or her license during the five years preceding the application.

(c) Duly certified resident trainees in training for funeral service or for funeral directing, while participating in learning experiences and while supervised by a person licensed by the Board as a preneed sales licensee, may also assist in the preneed funeral planning activities described in 21 NCAC 34D .0202(b)(1), (2), (4), and (5).

(d) No credit shall be given for the resident trainee's work that is unsupervised or performed under the supervision of a person not registered with the Board as the resident trainee's supervisor. If the registered supervisor does not supervise the resident trainee for a continuous period of more than two weeks, the traineeship under that supervisor shall terminate, requiring a new traineeship application. When a resident trainee assists in funeral service, funeral directing, embalming or preneed funeral planning on the funeral home premises, a licensed supervisor shall be on the funeral home premises where and while such activities are performed; provided that a licensed supervisor shall be present in the same room whenever a resident trainee accepts any initial payment or negotiates any contract for funeral services either at-need or pre-need with the public. When a resident trainee assists in funeral service, funeral directing, embalming or any funeral planning off the funeral home premises, such activities shall be performed only in the presence of a licensed supervisor employed with the establishment with which the resident trainee is registered.

(e) A licensed supervisor shall review with the purchaser any contract negotiated by a resident trainee, and then the licensed supervisor shall obtain the purchaser's signature on the contract in the licensed supervisor's presence.

(f) The resident trainee's license certificate for indicating the trainee's authority to assist in the activities described and authorized in this Rule and in 21 NCAC 34D .0202(b) is the resident trainee pocket certificate.

History Note: Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4),(5)d.; 90-210.67(a); 90-210.69(a);

Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. January 1, 2009; November 1, 2004; August 1, 1998; June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0104 CHANGE IN EMPLOYMENT

Each resident trainee shall complete an application form prescribed by the Board prior to making any change in employment during the resident traineeship. The form shall require the applicant to furnish the name of the trainee, the former funeral establishment and supervisor, the dates of services with the former funeral establishment, the proposed funeral establishment and supervisor, the proposed effective date of the change, and any other information the Board deems necessary as determined by law.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4)c.;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. December 1, 2004; September 27, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0105 FUNERAL DIRECTOR TRAINEE APPLICATION FORM

Applications for a funeral director resident trainee shall be made on forms provided by the Board. The applicant shall furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0106 EMBALMER TRAINEE APPLICATION FORM

Applications for an embalmer resident trainee shall be made on forms provided by the Board. The applicant shall furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0107 FUNERAL SERVICE TRAINEE APPLICATION FORM

Applications for a funeral service resident trainee shall be made on applications provided by the Board. The form shall require the applicant to furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Eff. November 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0108 TRAINEE POCKET CERTIFICATE

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. November 1, 1994.*

21 NCAC 34B .0109 EFFECTIVE DATE OF CERTIFICATE

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Expired Eff. September 1, 2017 pursuant to G.S. 150B-21.3A.*

21 NCAC 34B .0110 WORK REPORTS AND CHECKLISTS

(a) Active resident trainees shall submit a work report to the Board every month on a form provided by the Board no later than the 10th day of the calendar month that immediately follows the month during which the work was performed. On the work report, the resident trainee shall provide:

- (1) The trainee's name and signature;
- (2) The month during which the work was performed;
- (3) The number of hours worked during that month;
- (4) The name and address of the funeral establishment where the resident trainee is working;
- (5) A description of the work performed during that month;
- (6) The name, license number, and notarized signature of the trainee's supervisor; and
- (7) The name, license number, and notarized signature of the licensed manager of the funeral establishment where the resident trainee is working.

(b) By signing the work report, the trainee's supervisor shall certify that the data contained in the report is correct. Neither the trainee nor the trainee's supervisor shall be permitted to amend or revise the work report after it is submitted to the Board. The Board shall not accept incomplete work reports and a trainee who fails to submit a complete work report by the due date shall be subject to the provisions of Paragraph (c) of this Rule.

(c) A late fee of twenty-five dollars (\$25.00) shall be assessed against the trainee for each work report that is submitted to the Board after the due date. Following a trainee's first failure to timely submit a work report, the Board shall issue the trainee a letter that cautions against future non-compliance with this Rule. Following a trainee's second failure to timely submit a work report, the work set forth in the second untimely work report shall not be credited toward the certification of the trainee's resident traineeship. Following a trainee's third failure to timely submit a work report, the Board shall revoke the trainee's resident traineeship.

(d) Resident trainees shall maintain a checklist for each decedent for whom he or she performs funeral services on a form provided by the Board. The checklist shall contain the following information:

- (1) The name of the deceased person;
- (2) The date when the services were provided;
- (3) The trainee's name and signature;
- (4) A description of the funeral services provided; and
- (5) The supervisor's signature.

(e) Resident trainees shall maintain a list of the preneed funeral contracts with which the resident trainees participated.

(f) All documents and information set forth in this Rule shall be retained by the trainee until his or her traineeship requirement has been certified by the Board. During this time, the reports and information shall be subject to inspection by the Board or its authorized agent.

*History Note: Authority G.S. 90-210.23(a); 90-210.23(d); 90-210.23(f); 90-210.25(a)(4)e.; 90-210.25(a)(4)g.; 90-
210.67(a); 90-210.69(a);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. November 1, 2020.*

21 NCAC 34B .0111 WORK REPORT FORM

*History Note: Authority G.S. 90-210.23(a),(d),(f); 90-210.25(a)(4);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. August 1, 1988; September 1, 1979;
Repealed Eff. November 1, 2004.*

- 21 NCAC 34B .0112 FUNERAL SERVICE AND FUNERAL DIRECTING CASE REPORT FORM**
- 21 NCAC 34B .0113 TRAINEE'S SUMMARY CASE REPORT FORM**
- 21 NCAC 34B .0114 TRAINEE'S ACTIVITY REPORT FORM**
- 21 NCAC 34B .0115 REPORTS ON STUDY SCHEDULE**
- 21 NCAC 34B .0116 DESCRIPTION OF STUDY SCHEDULE**
- 21 NCAC 34B .0117 ANATOMICAL DIAGRAM**
- 21 NCAC 34B .0118 BOARD CHECK SHEET FOR TRAINEE**
- 21 NCAC 34B .0119 FINAL AFFIDAVIT: RENEWAL CERTIFICATE**

*History Note: Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.*

21 NCAC 34B .0120 TRAINEE FINAL AFFIDAVIT FORM

Upon the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit an affidavit to certify that the trainee has served and performed certain work under him as required by G.S. 90-210.25(a)(4). The affidavit shall be submitted within 30 days on forms provided by the Board and require the affiant to furnish the names of the licensee and the trainee; dates and place of service; the number of funerals, preneed funeral contracts and embalmings that the trainee has assisted in during traineeship; and any other information the Board deems necessary as required by law.

*History Note: Authority G.S. 90-210.23(a),(d),(f); 90-210.25(a)(4)f.; 90-210.67(a); 90-210.69(a);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. January 1, 2009; November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0121 EXPIRATION NOTICE

Prior to expiration of a resident trainee certificate, the Board may notify the resident trainee that if eligible, the traineeship may be renewed or may be certified as completed. The notice shall notify the trainee of the date of expiration, a recital of the renewal fee and late renewal penalty, the date the fee must be received, and a recital that the affidavit form is available to have the traineeship certified as completed, if applicable.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4)d;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

- 21 NCAC 34B .0122 TRAINEE INCOMPLETE AFFIDAVIT FORM**
- 21 NCAC 34B .0123 RESIDENT TRAINEE FEES**
- 21 NCAC 34B .0124 AUTHORIZED PRACTICE OF STUDENT**

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3),(4); 150A-11;

Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0125 MORTUARY SCIENCE STUDENT PERMIT CARD

History Note: Authority G.S. 90-210.23(a); 90-210.29;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. August 1, 1988; September 1, 1979;
Repealed Eff. November 1, 1994.

21 NCAC 34B .0126 FUNERAL DIRECTING AND FUNERAL SERVICE TRAINING

To fulfill the requirements that funeral director and funeral service trainees shall assist in directing at least 25 funerals during resident traineeship, such trainees shall, under supervision, assist in all of the components of "funeral directing," as defined in G.S. 90-210.20(f), but as limited by 21 NCAC 34B .0103; and to achieve this end such trainees shall assist in, in at least 25 cases, activities of arranging (whether performed at time of need or by assisting in preneed funeral planning activities or a combination) and, in at least 25 cases, activities pertaining to the funeral ceremony and disposition of the body.

History Note: Authority G.S. 90-210.20(f); 90-210.23(a), (d), (f); 90-210.25(a)(4); 90-210.67(a); 90-210.69(a);
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary pwithout substantive public interest Eff. August 19, 2017.

SECTION .0200 - EXAMINATIONS

Editor's Note: 21 NCAC 34B .0201 - .0211 was recodified from 21 NCAC 34 .0301 - .0311 Eff. February 7, 1991.

21 NCAC 34B .0201 DATES OF EXAMINATIONS

History Note: Authority G.S. 90-210.23(a); 90-210.22; 150B-11(1);
Eff. February 1, 1976
Amended Eff. September 9 ,1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Repealed Eff. August 1, 1998.

21 NCAC 34B .0202 APPLICATIONS

- (a) Applicants to take the examination for a license shall apply to the Board upon forms to be furnished by the Board. The application must be verified by the applicant and received by the Board at least 30 days prior to the date of the examination. Applicants are ineligible to take the examination before completing their educational requirements.
- (b) If the applicant does not sit for all examinations within 12 months of the filing date, the applicant forfeits the pending application and fee, and the applicant shall submit a new application and fee.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. January 1, 2009; October 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0203 APPLICATION FORM FOR FUNERAL DIRECTOR'S LICENSE

21 NCAC 34B .0204 APPLICATION FORM FOR EMBALMER'S LICENSE

21 NCAC 34B .0205 APPLICATION FORM FOR FUNERAL SERVICE LICENSE

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1); 90-210.25(a)(2); 90-210.25(a)(3);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; July 1, 1991; September 1, 1979;
Expired Eff. September 1, 2017 pursuant to G.S. 150B-21.3A.

21 NCAC 34B .0206 FINGERPRINT CARDS
21 NCAC 34B .0207 INSTRUCTIONS FOR COMPLETING FINGERPRINT CARD

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0208 PASSING SCORE

The passing score on all examinations administered by the Board shall be such passing score that is established by the International Conference of Funeral Service Examining Boards, Inc. and in effect at the time such examinations are administered by the Board.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0209 WHEN EXAMINATIONS MAY BE TAKEN

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0210 REQUEST FOR REVIEW OF EXAMINATION

For the purpose of dealing with a request by an applicant who has failed an examination for a review of his examination, the following procedures shall apply:

- (1) If the examination was prepared by the Board:
 - (a) The applicant shall make the request to the Board orally or in writing.
 - (b) Not later than 10 days following the receipt of such request the Board shall notify the applicant, either orally or in writing, of the date and time the applicant may appear in the offices of the Board to review the examination in the presence of the Board or in the presence of one or more duly designated representatives of the Board.
 - (c) Nothing in this Rule shall be construed to give the applicant the right to take from the Board offices any copies of the examination or of the answers thereto.
- (2) If the examination was prepared and graded by the International Conference of Funeral Service Examining Boards, Inc. (ICFSEB):
 - (a) The applicant shall make his request to the ICFSEB in writing.
 - (b) The ICFSEB shall notify the applicant, either orally or in writing, of the date and time the applicant may appear in the offices of the ICFSEB to review the examination in the presence of the ICFSEB or in the presence of one or more duly designated representatives of the ICFSEB.
 - (c) Nothing in this Rule shall be construed to give the applicant the right to take from the ICFSEB offices any copies of the examination or of the answers thereto.

History Note: Authority G.S. 90-210.23(a);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;

*Amended Eff. November 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0211 NATIONAL BOARD CERTIFICATE

The Board shall accept a "National Board Certificate," certifying the successful completion of the National Board Examination of the International Conference of Funeral Service Examining Boards Inc., as the equivalent of that portion of the Board's examination which deals with basic health sciences, funeral service sciences, and funeral service administration. National Board Certificates shall be accepted for five years from the date of issue for licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. February 1, 2009; November 1, 2004; September 1, 1979.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0212 DISABILITIES OF APPLICANTS FOR EXAMINATIONS

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1), (2), (3);
Eff. November 1, 1994;
Expired Eff. September 1, 2017 pursuant to G.S. 150B-21.3A.*

21 NCAC 34B .0213 EXPIRATION OF TEST SCORES

Passing scores earned on any examination administered by the Board to obtain any license in North Carolina shall be valid for five years from the date of examination. Any passing score earned on any examination administered by the International Conference of Funeral Service Examining Boards, Inc., ("ICFSEB") that has not been used to receive a National Board Certificate, as defined in 21 NCAC 34B .0211, shall be valid for five years from the date of examination for licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3);
Eff. February 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

SECTION .0300 - LICENSING

Editor's Note: 21 NCAC 34B .0301 - .0309 was recodified from 21 NCAC 34 .0401 - .0409 Eff. February 7, 1991.

21 NCAC 34B .0301	ISSUANCE OF LICENSE: EXPIRATION
21 NCAC 34B .0302	LICENSE CERTIFICATE FOR PRACTICE OF FUNERAL DIRECTING
21 NCAC 34B .0303	LICENSE CERTIFICATE FOR PRACTICE OF EMBALMING
21 NCAC 34B .0304	LICENSE CERTIFICATE FOR PRACTICE OF FUNERAL SERVICE
21 NCAC 34B .0305	CHANGE OF LICENSE REQUEST

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3),(5); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; August 1, 1988;
Expired Eff. September 1, 2017 pursuant to G.S. 150B-21.3A.*

21 NCAC 34B .0306	LICENSE FEES
21 NCAC 34B .0307	REINSTATEMENTS

*History Note: Authority G.S. 90-210.23(a); 90-210.25 (a)(1),(2),(3); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;*

Repealed Eff. September 1, 1979.

21 NCAC 34B .0308 RENEWALS: NOTICES

The Executive Director of the Board shall, on or about December 1 of each year, send by electronic mail to each licensee or permit holder a written notice that the license, permit, or courtesy card shall expire as provided in G.S. 90-210.25 unless renewed. The notice shall contain instructions on how to renew said license, permit, or courtesy card online.

*History Note: Authority G.S. 90-210.23(a); 90-210.25
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. March 1, 2021.*

21 NCAC 34B .0309 LICENSE RENEWAL FORM

(a) To renew a funeral director, funeral service, or embalmer's license, the licensee annually shall complete and submit to the Board a renewal application. Failure to submit a completed renewal application by February 1 shall cause the licensee's license to be forfeited.

(b) The renewal form shall contain the following:

- (1) The licensee's full name and license number;
- (2) The licensee's physical address of personal residence, mailing address, and phone number(s);
- (3) The licensee's current place of employment, work address, and telephone number;
- (4) Whether the licensee's place of employment changed since the previous renewal application was submitted;
- (5) Whether the licensee is on active or inactive status pursuant to G.S. 90-210.25(2);
- (6) Whether the licensee is requesting to be on active or inactive status pursuant to G.S. 90-210.25(2) for the next year;
- (7) Whether the licensee has been convicted of a felony or misdemeanor crime (excluding traffic infractions) since the previous renewal application was submitted and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (8) Whether the licensee has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against your license, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (9) Whether the licensee has been subject to any investigation for employee misclassification since the previous renewal application was submitted;
- (10) Whether the licensee has received credit for attending at least five continuing education credits of courses approved by the Board since the previous renewal application was submitted and, if so, copies of all continuing education forms showing courses attending that have not been already submitted to the Board;
- (11) If the licensee is claiming an exemption from continuing education requirements, the basis for which the licensee is claiming the exemption;
- (12) The licensee's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement; and
- (13) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); 90-210.28;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. April 1, 2021.*

21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT

(a) A funeral director or funeral service licensee registered to practice under G.S. 90-210.25(a2) shall not use its business office required by G.S. 90-210.25(a2)(2)a. to conduct the practice of funeral service or funeral directing. A funeral director or funeral service licensee shall not hold out to the public that its business office is a funeral establishment and shall not use a business name that misleads the public to believe that its business office is a funeral establishment or operates or maintains a facility that is a funeral establishment.

(b) An applicant to practice under the provisions of G.S. 90-210.25(a2) shall submit a form provided by the Board with an application fee. The applicant shall furnish the name, address, telephone number, and county of location for the applicant and any business organization operating under the laws of North Carolina, the license number of the applicant, the location where the applicant shall shelter remains, the location where the applicant uses as an embalming facility, the name and license numbers of any other embalmers retained by a funeral director to embalm, and any other information the Board deems necessary as required by law. The applicant shall complete a verification before a notary public.

History Note: Authority G.S. 90-210.20(h); 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i); Eff. February 1, 2009.

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.

21 NCAC 34B .0312 MEMBERS REQUIRED BEFORE LICENSING

Before any new burial association can be licensed, the proposed burial association's sponsor must obtain 800 members within six months of the charter date. If, at the end of six months, it is determined that sufficient progress has been made toward obtaining 800 members, then an additional 90 days may be granted.

History Note: Authority G.S. 58-241; 58-241.8;
Eff. February 1, 1976;
Recodified from 04 NCAC 04 .0301 Eff. January 13, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0313 PROCEDURES FOR PROVISIONAL LICENSURE

(a) Definitions. As used in this Rule:

- (1) "Applicant" shall mean the person submitting an Application for Provisional License on a form made available by the Board on its website at ncbsf.org and providing: his or her contact information; social security number; date and place of birth; sex; education and employment experience; the location where provisional work will be done; whether the applicant currently or has ever been licensed to practice funeral service, funeral directing, or embalming in another jurisdiction; whether the applicant ever has had any occupational or business license denied, suspended, or revoked; whether the applicant ever has been convicted of any felony or misdemeanor crime other than traffic infractions; whether the applicant has been subject of any investigation for employee misclassification in the preceding two years; and payment of a non-refundable fee pursuant to G.S. 90-210.25(a)(3a)a.
- (2) "Entry-Level Examination" shall mean an examination that is equivalent to the State Board Examination-Arts in Funeral Directing to assess competency in funeral arranging and directing; funeral service marketing and merchandising; funeral service counseling; legal and regulatory compliance; and cemetery and crematory operations pursuant to G.S. 90-210.25(a)(1)(e)(1). The National Board Examination-Arts that is administered by the International Conference of Funeral Service Examining Boards is equivalent to the State Board Examination-Arts in Funeral Directing.
- (3) "Laws and Rules Examination" shall mean an examination prepared by the Board of funeral practice and related laws of North Carolina, the federal Funeral Rule as expressed in the standards set forth in Funeral Industry Practices, 16 C.F. R. 453 (1984), pursuant to its most recent version, and the administrative rules governing the practice of professional funeral service as expressed in the NC Administrative Code.
- (4) "Professional Experience" shall mean work providing knowledge, skill, and proficiency resulting from the performance of funeral-related duties and responsibilities; work requiring knowledge attained through academic education beyond high school; work that is intellectual in nature; and work requiring the exercise of independent discretion and judgment.
- (5) "Provisional Licensee" shall mean any individual satisfying the provisional licensure requirements pursuant to G.S. 90-210.25(a)(3a) and who engages in the practice of professional funeral service under the supervision of a funeral director or funeral service licensee in good standing with the Board for a period not to exceed three years.
- (6) "Supervision" shall mean oversight and direction from a licensee in funeral directing or funeral service, who is in good standing with the Board, and who has practiced professional funeral service as his or her primary occupation more than 30 hours per week for at least five years.

(b) The following provisions shall apply to provisional license applicants and licensees only:

- (1) Applicants shall submit with their application for provisional licensure proof of satisfying the education requirements pursuant to G.S. 90-210.25(a)(3a)(d). Such proof shall include certified transcripts from an accredited post-secondary institution, or, if applicable, a certified transcript from a funeral director program accredited by the American Board of Funeral Service Education (ABFSE) or a funeral director program

offered at a post-secondary institution that is accredited by ABFSE. Certified transcripts shall come from the educational institution directly to the Board.

- (2) Applicants not otherwise qualified as a certified trainee or eligible for a certified traineeship shall submit with their application for provisional licensure an employment history on a form provided by the Board on its website at ncbfs.org, which shall supplement the provisional license application and requires a listing of funeral-related work including name and contact information of employer, dates of employment, and duties and responsibilities performed.
- (3) Prior to licensure as a Funeral Director, provisional licensees shall have attained a passing score of 75 percent on the Entry-Level Examination. Applicants shall have attained a passing score of 75 percent on the Laws and Rules Examination.
- (4) Applicants shall be subject to a criminal history background check pursuant to the requirements of the North Carolina State Bureau of Investigation and may be approved for licensure in the absence of any disqualifying conditions pursuant to G.S. 93B-8.1. Applicants shall complete forms provided by the Board on its website at ncbfs.org for the electronic submission of fingerprints if North Carolina residents; non-residents shall complete a fingerprint card and application information through a local law enforcement agency.
- (5) Provisional licensees shall be subject to the same license renewal requirements as licensees in funeral directing, including completion of a renewal application as set forth in Rule .0309 of this Section by December 31st of each year but not later than February 1st of the year immediately following the expiration of the license and submission of a non-refundable renewal fee of two hundred fifty dollars (\$250.00).
- (6) Provisional licensees shall be subject to the same requirements for continuing education as for licensees in funeral directing including a minimum of five continuing education credits annually and not exceeding two hours annually through online instruction. All continuing education credits shall be awarded only for Board-approved courses of instruction provided through an accredited sponsor or other approved provider, as set forth in Section .0400 of this Subchapter.

History Note: Authority G.S. 90-210.25(a)(3a);
Eff. March 17, 2021.

SECTION .0400 – CONTINUING EDUCATION

Editor's Note: 21 NCAC 34B .0401 - .0405 was recodified from 21 NCAC 34 .0501 - .0505 Eff. February 7, 1991.

21 NCAC 34B .0401 ESTABLISHMENT AND APPROVAL OF COURSES

The Board shall cause at least eight hours of continuing education courses to be offered to the licensees annually, either directly or through other organizations or persons procured for such purpose. The Board shall mail to each licensee for whose benefit the course is offered, at least 15 days prior to the date of enrollment, notice of the course and the amount of any registration fee to be charged.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; November 1, 1994; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0402 REQUIREMENT FOR LICENSE RENEWAL

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0403 REQUIREMENT FOR LICENSE REINSTATEMENT

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); 150B-11(1);

Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Repealed Eff. August 1, 1998.

21 NCAC 34B .0404 CONTINUING EDUCATION CARD

All licensees shall complete a card provided by the Board to certify that the licensee has taken continuing education courses. The form shall require the licensee to furnish the name of the licensee, "in time" and "out time" at the course, the license number, total hours, date, attestation by an authorized official who may be an official of the entity sponsoring the course or a member of the Board or its designated agent, and any other information the Board deems necessary as required by law. The form must be filed with the Board no later than the time when evidence of having taken such courses is required for license renewal or reinstatement.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0405 APPLICATION FORM FOR APPROVAL OF COURSE

Applications for approval of a course of continuing education shall be made on forms provided by the Board. The applicant shall furnish the date, name of the organization or person making the application, description of the course, name and credentials of the instructor, and a statement by the applicant of how the course will aid the licensee in serving the public. The form must be filed with the Board, when making application, at least 30 days prior to the date of enrollment established for the course.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. September 1, 1979;
Amended Eff. November 1, 2004; November 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0406 APPLICATION FORM FOR APPROVAL OF SPONSOR

Applications for approval of a sponsor of continuing education shall be made on forms provided by the Board. The applicant shall furnish the date, name of the organization or person making the application, description of the sponsor and the types of courses it offers as well as its requirements to be an instructor for its courses, and a statement by the applicant of how its courses will aid the licensee in serving the public. The form must be filed with the Board, when making application, at least 90 days prior to the first course the sponsor intends to offer for CE credit.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0407 DEFINITIONS

For purposes of Section .0400, the following definitions shall apply:

- (1) "Accredited sponsor" shall mean an organization whose continuing education offerings have been accredited by the Board.
- (2) "Approved activity" shall mean a specific, individual continuing education activity presented by an accredited sponsor or presented by other than an accredited sponsor if such activity is approved as a continuing education activity under the Rules in this Section by the Continuing Education Committee of the Board.
- (3) "Continuing education" or "CE" is any educational activity accredited by the Board. CE includes educational activities designed principally to maintain or increase the professional competence of licensees or the understanding of the professional responsibilities of licensees.
- (4) "Continuing Education Committee" shall mean the Continuing Education Committee of the North Carolina Board of Funeral Service.

- (5) "Credit hour" means an increment of time of 50 minutes which may be divided into segments of 25 minutes, but no smaller.
- (6) "Inactive licensee" shall mean a licensee of the North Carolina State Board of Funeral Service who is on inactive status.
- (7) "Licensee" shall include any person who is licensed by the Board to practice funeral directing, embalming, or funeral service in the state of North Carolina and whose license is active.
- (8) "Participatory CE" shall mean courses or segments of courses that encourage the participation of attendees in the educational experience through, for example, the analysis of hypothetical situations, role playing, mock trials, roundtable discussions, or debates.
- (9) "Self-study" shall mean the reading of professional articles, journals, magazines, and books or the watching of programs on the topics of funeral directing, embalming and funeral services that will increase the licensee's professional competence and proficiency as a licensee.
- (10) "Sponsor" is any person or entity presenting or offering to present one or more continuing education programs, whether or not an accredited sponsor.
- (11) "Year" shall mean calendar year.
- (12) "Course" shall mean the instructional content of the material being presented.
- (13) "CE Program" shall mean the date, time, and location of the presentation of a CE course.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
 Eff. July 1, 2005;
 Amended Eff. March 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0408 CONTINUING EDUCATION PROGRAM

(a) For licensees required to complete CE as a prerequisite to annual license renewal, the five hours of approved CE shall meet the following requirements:

- (1) Up to two hours may be in courses required by the Board. If the Board requires licensees to take a particular required course or courses, the Board shall notify licensees no later than October 1 of the year preceding the calendar year in which the course(s) will be required.
- (2) Licensees may take up to two hours of continuing education each year by computer-based CE approved by the Board as set forth in 21 NCAC 34B .0414.
- (3) Licensees may not receive more than two hours of credit for continuing education courses in preneed each year.
- (4) Licensees may not receive credit hours for taking the same CE course within two years.

(b) A newly admitted active licensee may include as credit hours, which may be carried over to the next succeeding year, any approved continuing education hours earned after that licensee's graduation from mortuary science college.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
 Eff. July 1, 2005;
 Amended Eff. January 1, 2009;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0409 COURSE ACCREDITATION STANDARDS

(a) The content of a CE activity must have intellectual or practical content designed to maintain or increase the participant's professional competence and proficiency as a licensee or the participant's understanding of the professional responsibilities of a licensee. The activity shall constitute an organized program course of learning dealing with matters directly related to the practice of funeral directing, embalming, or funeral service. The activity shall include an opportunity for the participants to ask questions of the presenter about its content. Courses that cross academic lines, such as insurance seminars, may be considered for approval by the Board. However, the Board must be satisfied that the content of the activity is directly related to preneed or would otherwise enhance funeral directing and funeral service skills.

(b) Credit may be given for continuing education activities where live instruction is used or mechanically or electronically recorded or reproduced material is used, including videotape or satellite transmitted programs. Subject to the limitations set forth in 21 NCAC 34B .0408(a) and 21 NCAC 34B .0414, credit may also be given for continuing education activities on CD-ROM and on a computer website accessed via the Internet.

(c) Continuing education materials shall be prepared, and activities conducted, by an individual or group able to lead the CE activity and to answer questions from the participants about its content. Examples of individuals and groups able to lead the CE activity and to answer questions from the participants about its content include:

- (1) Funeral professionals licensed by the Board or by the authority of another jurisdiction who are actively engaged full time in a capacity consistent with the individual's license designation for at least three years immediately preceding the date of the CE activity.
- (2) Instructors employed by a program or college of mortuary science in a capacity consistent with the courses of study required as a prerequisite to licensing, as defined in G.S. 90-210.25(a)(1)e1., (2)e1., and (3)e1. and 2.
- (3) Instructors employed by academic institutions in a capacity consistent with the instruction of the courses of study required as a prerequisite to licensing, as defined by G.S. 90-210.25(a)(1)e1., (2)e1., and (3)e1. and 2.

(d) Continuing education activities shall be conducted in a setting physically suitable to the educational activity of the program and equipped with suitable writing surfaces and sufficient space for taking notes.

(e) Thorough, high quality, and carefully prepared, written materials must be distributed to all attendees at or before the time the course is presented. As used in this Paragraph, "thorough, high quality, and carefully prepared written materials" means materials that correspond to the content of the CE activity and are free from errors, including written materials printed from a computer website or CD-ROM, but excluding any materials that refer to a product of a specific manufacturer or to a service offered by a specific provider. The Board may waive the requirement that written materials be provided if written materials would not be suitable or readily available for the CE activity.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. July 1, 2005;
Amended Eff. March 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0410 ACCREDITATION OF SPONSORS AND PROGRAMS

(a) Accreditation of Sponsors. An organization desiring accreditation as an accredited sponsor of courses, programs, or other continuing education activities may apply for accredited sponsor status to the Board. The Board shall approve a sponsor as an accredited sponsor if it is satisfied that the sponsor's programs have met the standards set forth in 21 NCAC 34B .0409.

(b) Presumptive Approval for Accredited Sponsors.

- (1) Once an organization is approved as an accredited sponsor, the continuing education programs sponsored by that organization are presumptively approved for credit and no application must be made to the Board for approval. The Board may at any time revoke the accreditation of an accredited sponsor for failure to satisfy the Rules in this Section.
- (2) The Board may evaluate a program presented by an accredited sponsor and, upon a determination that the program does not satisfy the requirements of 21 NCAC 34B .0409, notify the accredited sponsor that any presentation of the same program, the date for which was not included in the announcement required by 21 NCAC 34B .0411(e) below, is not approved for credit. Such notice shall be sent by the Board to the accredited sponsor within 30 days after the receipt of the announcement. The accredited sponsor may request reconsideration of such a decision by submitting a letter of appeal to the Board within 15 days of receipt of the notice of disapproval. The decision by the Board on an appeal is final.

(c) Unaccredited Sponsor Request for Program Approval. Any organization not accredited as an accredited sponsor that desires approval of a course or program shall apply to the Board. The Board shall administer the accreditation of such programs consistent with the provisions of 21 NCAC 34B .0409. Applicants denied approval of a program may request reconsideration of such a decision by submitting a letter of appeal to the Board within 15 days of receipt of the notice of disapproval. The decision by the Board on an appeal is final.

(d) Licensee Request for Program Approval. An active licensee desiring approval of a course or program that has not otherwise been approved shall apply to the Board. Applicants denied approval of a program may request reconsideration of such a decision by submitting a letter of appeal to the Board within 15 days of the receipt of the notice of disapproval. The decision by the Board on an appeal is final.

(e) Program Announcements of Accredited Sponsors. At least 30 days prior to the presentation of a program, an accredited sponsor shall file an announcement, on a form prescribed by the Board, notifying the Board of the dates and locations of presentations of the program, the sponsor's calculation of the CE credit hours for the program, and the cost of the program to attendees.

History Note: Authority *G.S. 90-210.23(a); 90-210.25(a)(5);*
Eff. July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0411 GENERAL COURSE APPROVAL

(a) Mortuary Science College Courses – Courses covering subjects required by G.S. 90-210.25(a)(1)e1., (2)e1., and (3)e1. and 2 that are offered for academic credit by a mortuary science college approved by the Board or accredited by the American Board of Funeral Service Education shall be approved activities unless the course is taken to obtain a funeral director, embalmer, or funeral service license. Computation of CE credit for such courses shall be as prescribed in 21 NCAC 34B .0415. No more than five CE hours in any year may be earned by such courses except in the cases of an inactive licensee who is seeking to earn enough CE credit to return to active status or an individual whose license has lapsed and who is seeking to reinstate the license. No credit is available for mortuary science college courses attended prior to becoming an active licensee of the North Carolina Board of Funeral Service, except in the case of an inactive licensee who is seeking to earn enough CE credits to return to an active status.

(b) Approval – CE activities shall be approved upon the written application of a sponsor, other than an accredited sponsor, or of an active licensee on an individual program basis. An application for the approval of such CE courses and programs shall meet the following requirements:

- (1) The application and supporting documentation, including one complete set of the written materials to be distributed at the course or program, shall be submitted at least 30 days prior to the date on which the course or program is scheduled.
- (2) The application shall be submitted on a form furnished by the Board. The form shall require the applicant to furnish the name and address of the course sponsor, the title, date, length, and location of the course, and any other information the Board deems necessary as required by law.
- (3) The application shall be accompanied by a course outline or brochure that describes the content, identifies the teachers, lists the time devoted to each topic and shows each date and location at which the course or program will be offered.
- (4) The application shall include a calculation of the total number of CE hours using the method prescribed in 21 NCAC 34B .0415.

(c) Course Quality – The application and written materials provided shall reflect that the program to be offered meets the requirements of 21 NCAC 34B .0409. Written materials consisting merely of an outline without citation or explanatory notations shall not be sufficient for approval. Any sponsor, including an accredited sponsor, who expects to conduct a CE activity for which suitable written materials will not be made available to all attendees may obtain approval for that activity only by application to the Board at least 30 days in advance of the presentation showing why written materials are not suitable or readily available for such a program.

(d) Records – Sponsors, including accredited sponsors, shall within 30 days after the course is concluded:

- (1) furnish to the Board a list in alphabetical order, on electronic media if available, of the names of all North Carolina attendees and their North Carolina Board of Funeral Service license numbers;
- (2) furnish to the Board a complete set of all written materials distributed to attendees at the course or program.

(e) Announcement – Accredited sponsors and other sponsors who have approval for courses may include in their brochures or other course descriptions the information contained in the following illustration:

This course [or seminar or program] has been approved by the North Carolina Board of Funeral Service for continuing education credit in the amount of ____ hours. This course is not sponsored by the Board.

(f) Notice - Sponsors not having approval shall make no representation concerning the approval of the course for CE credit by the Board. The Board shall mail a notice of its decision on CE activity approval requests within 15 days of their receipt. Approval thereof shall be deemed if the notice is not mailed within 30 days. This automatic approval will not operate if the sponsor contributes to the delay by failing to provide all information requested by the Board or if the Board notifies the sponsor that the matter has been tabled and the reason therefore.

(g) Facilities - Sponsors must provide a facility conducive to learning with sufficient space for taking notes. Sponsors must also ensure the following requirements are met:

- (1) Access to the facility shall be controlled so that attendees actually attend the entire program or portion of the program for which they are seeking credit. Attendees who are late or who leave early shall not be given credit for the portion of the program that they missed.
- (2) All licensees who attend a program and desire credit for attendance must present their license pocket card to gain admission to the program.

- (3) The individual or organization conducting the continuing education program must use registration sign in/sign out sheets to ensure attendance by all participants.
 - (4) The reading of outside material, such as newspapers and magazines, is prohibited during a CE program.
 - (5) Cell phones and other disruptive devices must be turned off or switched to a silent mode of operation during instructional periods of the CE program.
 - (6) Persons obtaining CE hours for license reinstatement shall be provided a temporary card, valid for one year from the date of issue, from the Board in order to be allowed entrance to CE programs.
- (h) Course Materials - In addition to the requirements of 21 NCAC 34B .0411(d) and (f) above, sponsors, including accredited sponsors, and active licensees seeking credit for an approved activity shall furnish upon request of the Board a copy of all materials presented and distributed at a CE course or program.
- (i) Non-funeral service Educational Activities - Approval of courses shall not be given for general and personal educational activities. For example, the following types of courses shall not receive approval:
- (1) courses within the normal college curriculum such as English, history, and social studies;
 - (2) courses that deal with sales and advertising only and would not further educate a licensee as to his or her product knowledge and development of funeral procedures and management models designed to increase the level of service provided to the consumer.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
 Eff. July 1, 2005;
 Amended Eff. March 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0412 ACCREDITED SPONSORS

In order to receive designation as an accredited sponsor of courses, programs or other continuing education activities under 21 NCAC 34B .0410(a), the application of the sponsor must meet the following requirements:

- (1) The application for accredited sponsor status shall be submitted on a form prescribed by the Board. The form shall require the applicant to furnish the name and address of the sponsor, the contact person within the organization, and any other information the Board deems necessary as required by law.
- (2) The application shall be accompanied by course outlines or brochures that describe the content, identify the instructors, list the time devoted to each topic, show each date and location at which three programs have been sponsored in each of the last three consecutive years, and enclose the actual course materials.
- (3) The application shall include a detailed calculation of the total CE hours specified in each of the programs sponsored by the organization.
- (4) The application shall reflect that the previous programs offered by the organization in continuing education would have met the standards set forth in 21 NCAC 34B .0409.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
 Eff. July 1, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0413 ACCREDITATION OF PRERECORDED PROGRAMS AND LIVE PROGRAMS BROADCAST TO REMOTE LOCATIONS BY TELEPHONE, SATELLITE, OR VIDEO CONFERENCING EQUIPMENT

- (a) A licensee may receive up to two hours of CE credit each year for attendance at, or participation in, a presentation where prerecorded material is used.
- (b) A licensee may receive credit for participation in a live presentation which is simultaneously broadcast by telephone, satellite, or video conferencing equipment. The licensee may participate in the presentation by listening to or viewing the broadcast from a location that is remote from the origin of the broadcast.
- (c) A licensee attending a prerecorded presentation is entitled to credit hours if:
 - (1) the presentation from which the program is recorded would, if attended by an active licensee, be an accredited course; and
 - (2) all other conditions imposed by the rules in this Subchapter are met.
- (d) A licensee attending a presentation broadcast by telephone, satellite, or video conferencing equipment is entitled to credit if:
 - (1) the live presentation of the program would, if attended by a licensee, be an accredited course;

- (2) there is a question and answer session with the presenter or presenters subject to the limitations set forth in 21 NCAC 34B .0415(b)(5); and
 - (3) all other conditions imposed by the rules in this Subchapter are met.
- (e) To receive approval for attendance at programs described in Paragraphs (a) and (b) of this Rule, the following conditions must be met:
- (1) Unless the entire program was produced by an accredited sponsor, the person or organization sponsoring the program must receive advance approval and accreditation from the Board;
 - (2) The person or organization sponsoring the program must have a method for recording and verifying attendance. Attendance at a telephone broadcast may be verified by assigning a personal identification number to a licensee. The person or organization sponsoring the program must forward a copy of the record of attendance of active licensees to the Board within 30 days after the presentation of the program is completed. Proof of attendance may be made by the verifying person on a form provided by the Board;
 - (3) Unless inappropriate for the particular course, detailed papers, manuals, study materials, or written outlines are presented to the persons attending the program which only pertain to the subject matter of the program. Any materials made available to persons attending the original or live program must be made available to those persons attending the prerecorded or broadcast program who desire to receive credit under the rules in this Section; and
 - (4) A room suitable for viewing the program and taking notes must be available.
- (f) A minimum of five licensees must physically attend the presentation of a prerecorded program in the same location. This requirement does not apply to participation from a remote location in the presentation of a live broadcast by telephone, satellite, or video conferencing equipment.

(g) **EXAMPLES:**

EXAMPLE (1): Licensee X attends a videotape seminar sponsored by an accredited sponsor. If a person attending the program from which the videotape is made would receive credit, Licensee X is also entitled to receive credit, if the additional conditions under this Rule are also met.

EXAMPLE (2): Licensee Y desires to attend a videotape program. However, the proposed videotape program (a) is not presented by an accredited sponsor, and (b) has not received individual course approval from the Board. Licensee Y shall not receive any credit hours for attending that videotape presentation.

EXAMPLE (3): Licensee Z attends a videotape program. The presentation of the program from which the videotape was made has already been held and approved by the Board for credit. However, no person is present at the videotape program to record attendance. Licensee Z shall not obtain credit for viewing the videotape program unless it is viewed in the presence of a person who is not attending the videotape program for credit and who verifies the attendance of Licensee Z and of other licensees at the program. All other conditions of this Rule must also be met.

EXAMPLE (4): Licensee A listens to a live telephone seminar using the telephone in the conference room of her funeral establishment. To record her attendance, Licensee A was assigned a personal identification number (PIN) by the seminar sponsor. Once connected, Licensee A punched in the PIN number on her touch tone phone and her attendance was recorded. The seminar received individual course approval from the Board. Licensee A shall receive credit if the additional conditions under this Rule are also met.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. July 1, 2005;
Amended Eff. September 1, 2009; March 1, 2008.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0414 ACCREDITATION OF COMPUTER-BASED CE

(a) Effective for courses attended on or after January 1, 2009, a licensee may receive up to two hours of credit each year for participation in a course on CD-ROM or on-line. A CD-ROM course is an educational seminar on a compact disk that is accessed through the CD-ROM drive of the user's personal computer. An on-line course is an educational seminar available on a provider's website reached via the Internet.

(b) A licensee may apply up to two credit hours of computer-based CE to a CE deficit from a preceding calendar year. A computer-based CE credit hour applied to a deficit from a preceding year will be included in calculating the maximum of two hours of computer-based CE allowed in the preceding calendar year. A licensee may carry over to the next calendar year no more than two credit hours of computer-based CE pursuant to 21 NCAC 34B .0408. A credit hour carried-over pursuant to 21 NCAC 34B .0408 shall not be included in calculating the two hours of computer-based CE allowed in any one calendar year.

(c) To be accredited, a computer-based CE course must meet all of the conditions imposed by the rules in this Subchapter, except where otherwise noted, and be interactive, permitting the participant to communicate, via telephone, electronic mail, or a website bulletin board, with the presenter or other participants.

(d) The sponsor of an on-line course must have a reliable method for recording and verifying attendance. The sponsor of a CD-ROM course must demonstrate that there is a reliable method for the user or the sponsor to record and verify participation in the course. A participant may log on and off of a computer-based CE course provided the total time spent participating in the course is equal to or exceeds the credit hours assigned to the program. A copy of the record of attendance must be forwarded to the Board within 30 days after a licensee completes his or her participation in the course.

(e) After approval of a computer-based CE course, the sponsor may replay the computer-based CE course indefinitely until any change is made to the course content. Any modification to an approved computer-based CE course shall require the sponsor to submit a new application for approval but the sponsor may continue to show the previously approved version of the course.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. July 1, 2005;
Amended Eff. January 1, 2009; March 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0415 COMPUTATION OF CREDIT

(a) Computation Formula - CE and professional responsibility hours shall be computed by the following formula:

Sum of the total minutes of actual instruction divided by 50 = Total Hours.

For example, actual instruction totaling 175 minutes would equal 3.5 hours toward CE.

(b) Actual Instruction - Only actual education shall be included in computing the total hours of actual instruction. The following shall not be included:

- (1) introductory remarks;
- (2) breaks;
- (3) business meetings;
- (4) speeches in connection with banquets or other events which are primarily social in nature;
- (5) question and answer sessions at a ratio in excess of 15 minutes per CE hour and programs less than 30 minutes in length provided, however, that the limitation on question and answer sessions shall not limit the length of time that may be devoted to participatory CE.

(c) Teaching - As a contribution to professionalism, credit may be earned for teaching in an approved continuing education activity. Presentations accompanied by written materials approved under this Subchapter shall qualify for CE credit on the basis of three hours of credit for each 50 minutes of presentation. Repeat presentations qualify for one-half of the credits available for the initial presentation. For example, an initial presentation of 50 minutes would qualify for three hours of credit while a subsequent presentation of the same material would qualify the instructor for 1.5 hours of credit.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);
Eff. December 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

SECTION .0500 - OUT-OF-STATE LICENSEES

Editor's Note: 21 NCAC 34B .0501 - .0510 was recodified from 21 NCAC 34 .0601 - .0610 Eff. February 7, 1991.

21 NCAC 34B .0501 APPLICATION FOR LICENSE

Applications by out-of-state licensees for licenses pursuant to G.S. 90-210(b)(1) shall be made upon forms to be furnished by the Board. The application must be verified by the applicant and filed with the Board.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

21 NCAC 34B .0502 APPLICATION FORM AND EQUIVALENT EXAMINATIONS FOR RECIPROCAL LICENSE

(a) Applications by an out-of-state licensee for a North Carolina license pursuant to G.S. 90-210.25(b)(1) shall be made on forms provided by the Board on its website at ncbfs.org. The form shall require the applicant to furnish the applicant's name, address, phone number, email address, social security number, date and place of birth, and sex; name and address of present employer; whether the applicant has military training or experience in the practice of funeral service; whether the applicant is a military spouse; whether the applicant has had recent experience in the practice of the type of reciprocal license sought for at least two of the five years preceding the date of the application; whether the applicant has any pending complaints against his or her license in any jurisdiction in which he or she is licensed to practice funeral service; educational history; license applied for; name of the jurisdiction where licensed and the kinds of licenses held; whether the applicant ever has had any occupational or business license denied, suspended or revoked; whether the applicant ever has been convicted of any felony or misdemeanor crime other than traffic infractions; whether the applicant has been subject to any investigation for employee misclassification in the preceding two years; and the notarized signature of the applicant.

(b) The form shall require the licensing board of the other jurisdiction(s) to certify that the applicant is licensed and in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held and dates granted, and the name and address of the Board in such other jurisdiction.

(c) The applicant shall provide an employment history to show at least three years of professional practice in the other jurisdiction(s).

(d) Funeral director applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed with passing scores the Entry-Level Examination defined in 21 NCAC 34B .0313(a)(2) as a requirement for licensure in the other jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).

(e) Funeral service applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed the National Board Examinations as administered through The International Conference of Funeral Service Examining Boards, or equivalent examinations, as a requirement for licensure in the other jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1; Eff. February 1, 1976; Readopted Eff. September 27, 1977; Amended Eff. November 1, 2004; September 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. March 17, 2021.

- 21 NCAC 34B .0503 AFFIDAVIT OF STATE ENDORSEMENT**
- 21 NCAC 34B .0504 AFFIDAVIT OF STATE ENDORSEMENT**
- 21 NCAC 34B .0505 RECOMMENDATIONS BY LICENSEE FOR RECIPROCAL LICENSURE**
- 21 NCAC 34B .0506 VERIFICATION OF PRACTICE**

History Note: Authority G.S. 90-210.23(a); 90-210.25(b); 150A-11; Eff. February 1, 1976; Readopted Eff. September 27, 1977; Repealed Eff. September 1, 1979.

21 NCAC 34B .0507 COURTESY CARDS

Applications by out-of-state licensees for courtesy cards pursuant to G.S. 90-210.25(b)(3) shall be made upon forms to be furnished by the Board. Such cards shall be issued by license category corresponding to the license held by the applicant, shall be non-transferable, and shall be renewable from year to year. A courtesy card shall expire and terminate upon the suspension, revocation, forfeiture, expiration, or other termination of the holder's license issued by the licensing board of the other jurisdiction, or on the 31st day of December, whichever shall first occur. The holder of a courtesy card shall be subject to the provisions of G.S. 90-210.25(e). The application must be verified by the applicant and the licensing board of the other jurisdiction and filed with the Board.

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3); 150B-11(1); Eff. February 1, 1976; Readopted Eff. September 27, 1977;

Amended Eff. September 1, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0508 APPLICATION FORM FOR COURTESY CARD

Applications for a courtesy card shall be made on forms provided by the Board. The applicant shall furnish the applicant's photograph, name, address, and biographical data; courtesy card applied for, by license category; name and address of the licensing board where the applicant is licensed; the kind, license number, expiration date of licenses presently held; an agreement that the applicant will obey North Carolina statutes and rules governing funeral service; verification by the applicant; certification by the Secretary or other official of the licensing board of the other jurisdiction that the information concerning the applicant's licensure is correct; and any other information the Board deems necessary as required by law.

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. November 1, 2004; August 1, 1988; September 1, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0509 COURTESY CARD FORM

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. August 1, 1988; September 1, 1979;

Repealed Eff. November 1, 1994.

21 NCAC 34B .0510 COURTESY CARD RENEWAL FORM

Applications for annual renewal of a courtesy card shall be made on forms provided by the Board. The form shall require the applicant to furnish the type of license privileges sought, changes to the applicant's name, address, telephone, place of employment, license expiration date, the signature of the applicant, affirmation that the applicant will abide by North Carolina law, verification, and any other information the Board deems necessary as required by law.

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. November 1, 2004; September 1, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

SECTION .0600 - FUNERAL ESTABLISHMENTS

Editor's Note: 21 NCAC 34B .0601 - .0615 was recodified from 21 NCAC 34 .0701 - .0715 Eff. February 7, 1991.

21 NCAC 34B .0601 DISTINCTION BETWEEN ESTABLISHMENT AND CHAPEL

21 NCAC 34B .0602 MANAGER OF ESTABLISHMENT

History Note: Authority G.S. 90-210.23(a),(e); 90-210.20(h); 90-210.25(d); 150B-11;

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. September 1, 1979;

Repealed Eff. August 1, 1988.

21 NCAC 34B .0603 MANAGER MAY MANAGE TWO ESTABLISHMENTS

21 NCAC 34B .0604 PARTNER OR OFFICER AS MANAGER

History Note: Authority G.S. 90-210.23(a),(e); 90-210.25(d); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0605 PERMITS: TRANSFER OF OWNERSHIP OF ESTABLISHMENT

Funeral establishment permits shall not be transferable. When the ownership of a funeral establishment changes, or when there has been a transfer of a majority of the common stock of the corporation owning a funeral establishment, a new application for an establishment permit shall be made to the Board within 30 days of said change of ownership or transfer. The applicable fee shall accompany the said application, as in the case of initial applications.

History Note: Authority G.S. 90-210.23(a),(e); 90-210.25(d)(5); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0606 PERMIT FEES **21 NCAC 34B .0607 EXPIRATION AND RENEWAL OF PERMITS**

History Note: Authority G.S. 90-210.23(a); 90-210.25(d); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0608 APPLICATION FORM FOR FUNERAL ESTABLISHMENT PERMIT

Applications for a new funeral establishment permit shall be made on forms provided by the Board. The applicant shall furnish the name and address of the establishment; the name or names of the owner or owners; the ownership of the stock if it is owned by a corporation; a description of the preparation room; size of the reposing room; names and license numbers of all part-time and full-time licensees employed by the establishment; the name and license number of the manager; verification by the manager; and any other information the Board deems necessary as required by law.

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 90-210.27A;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. December 1, 2004; August 1, 1988; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0609 FUNERAL ESTABLISHMENT PERMIT FORM

History Note: Authority G.S. 90-210.23(a); 90-210.25(d);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. August 1, 1988;
Repealed Eff. November 1, 1994.

21 NCAC 34B .0610 FUNERAL ESTABLISHMENT PERMIT RENEWAL FORM

All funeral establishments holding a funeral establishment permit shall annually submit a renewal application on forms provided by the Board. The applicant shall furnish the name and address of the establishment; ownership of the establishment; license numbers of any owner, partner, officers of the business entity owning establishment; licensees employed by the funeral establishment; name and license number of the manager of the funeral establishment; and any other information the Board deems necessary as required by law. The form must be filed no later than February 1 of each year.

History Note: Authority G.S. 90-210.23(a); 90-210.25(d)(3);
Eff. February 1, 1976;

Readopted Eff. September 27, 1977;
Amended Eff. December 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0611 PART-TIME EMPLOYEES AND INDEPENDENT CONTRACTORS
21 NCAC 34B .0612 PART-TIME AND INDEPENDENT CONTRACTORS AFFIDAVIT

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; July 1, 1991; August 1, 1988;
Expired Eff. September 1, 2017 pursuant to G.S. 150B-21.3A.

21 NCAC 34B .0613 DISCLOSURE STATEMENTS

One copy of each disclosure statement, as required by G.S. 90-210.25(e), shall be kept by the funeral establishment for a period of two years and shall, during said period of time, be subject to inspection by the Board, its inspector or other duly authorized representative.

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(e); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0614 FREE AMBULANCE SERVICE AS SOLICITATION

History Note: Authority G.S. 90-210.23(a); 90-210.25(e)(2)c; 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0615 FUNERAL ESTABLISHMENT INSPECTION FORM

The findings of all funeral establishment inspections shall be recorded and filed on report forms provided by the Board. The funeral establishment shall furnish the name and address of the establishment; names of the owner, manager, licensees and resident trainees; verification by the funeral establishment that any violations have been corrected, the date of the verification, and other information the Board deems necessary as required by law. Verifications by an official of the funeral establishment that any violations have been corrected must be received by the Board no later than seven days after the date for compliance.

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.24;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. January 1, 2009; November 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0616 BODY IDENTIFICATION TAGS

Unused body identification tags shall be kept on the premises of each funeral establishment at all times and are subject to inspection by the Board and its authorized agents.

History Note: Authority G.S. 90-210.23(a),(e); 90-210.29A;
Eff. September 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0617 PRACTICING DURING DISASTERS

(a) Upon the declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board may waive, for a period not to exceed 120 days following the rescission of the declaration of a state of emergency, any requirement of G.S. 90-210.27A and

21 NCAC 34B .0702-.0706. Only those funeral establishments impacted by and located in a county in which the state of emergency has been declared shall be eligible for a waiver.

(b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, to include the following:

- (1) name and permit number of the funeral establishment making the waiver request;
- (2) a description of the circumstances giving rise to the request;
- (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency; and
- (4) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

(c) A funeral establishment seeking to extend a waiver in excess of 120 days shall provide a written request and explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an extension request, based on the following criteria:

- (1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;
- (2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the Board at the time of its initial waiver request; and
- (3) the circumstances surrounding the funeral establishment's request for additional time.

History Note: Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A;
Eff. September 1, 2017.

21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES

(a) When a funeral establishment experiences an emergency occurrence or imminent threat of damage, injury, or loss of property resulting from a natural or man-made incident, the Board may waive, for a period not to exceed 120 days, any requirement of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706. The funeral establishment may continue to operate if it has provided evidence that the emergency does not pose an immediate threat to human life, an immediate threat of serious physical injury, or an immediate threat of serious adverse health effects.

(b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, to include the following:

- (1) name and permit number of the funeral establishment making the waiver request;
- (2) a description of the circumstances giving rise to the request;
- (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency; and
- (4) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

(c) A funeral establishment seeking to extend a waiver in excess of 120 days shall provide a written request and explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an extension request, based on the following criteria:

- (1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;
- (2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the Board at the time of its initial waiver request; and
- (3) the circumstances surrounding the funeral establishment's request for additional time.

History Note: Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A;
Eff. September 1, 2017.

SECTION .0700 - PREPARATION OF DEAD BODIES

Editor's Note: 21 NCAC 34B .0701 - .0705 was recodified from 21 NCAC 34 .0801 - .0805 Eff. February 7, 1991.

21 NCAC 34B .0701 PREPARATION ROOM: REQUIREMENTS

History Note: Authority G.S. 90-210.23(a),(d),(e); 150A-11;

Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0702 STORAGE IN PREPARATION ROOM

The only articles and materials which shall be permitted to be stored in the preparation room are supplies, materials and equipment actually maintained for use in embalming.

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.27A;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0703 DISPOSAL OF REFUSE: VENTILATION

Every preparation room shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials and supplies, which shall be properly disposed of at the conclusion of each case, to the end that the public health may thereby be protected. Every preparation room shall comply, with respect to ventilation, with state and local laws, ordinances and regulations. No obnoxious or deleterious odors shall be allowed to remain therein nor to enter into any other part of the premises of the funeral establishment or into any adjoining premises.

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.27A;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. July 1, 1991; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0704 SANITATION IN PREPARATION OF BODIES

In the safeguard of the public health, every person while engaged in the actual preparation of a dead human body shall be attired in a clean and sanitary smock or gown and shall wear protective gloves. When a smock or gown has been worn in the preparation of a body, it shall not be worn again before being laundered. No sheets, linens, materials, or supplies of any kind, which shall have come in contact with a dead human body, shall be used more than once without being laundered. Such materials shall be kept in a covered container until laundered. All instruments and appliances used in the preparation of a body shall be thoroughly cleansed and sterilized immediately at the conclusion of each individual case and stored in an enclosed cabinet or drawer.

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.27A;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0705 EMBALMING MATERIALS

History Note: Authority G.S. 90-210.23(a),(d),(e); 150A-11;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. September 1, 1979.

21 NCAC 34B .0706 REGISTRATION OF EMBALMING FACILITY LOCATED OUTSIDE OF A FUNERAL ESTABLISHMENT

- (a) An embalming facility located outside a funeral establishment shall comply with the requirements of G.S. 90-210.27A(a)(1) through (8) and all other applicable federal, state, or local laws and regulations.
- (b) An embalming facility located outside a funeral establishment shall be registered either to a funeral establishment holding a permit from the Board or to a funeral service or embalmer licensee of the Board. Each embalming facility must be managed

by an embalmer or funeral service licensee. A person managing an embalming facility may also manage the funeral establishment location registering the facility.

(c) Applications to register an embalming facility located outside a funeral establishment shall be made on forms provided by the Board. The applicant shall furnish the address and telephone number of the facility; a description of the preparation room; the names and license numbers of all part-time and full-time licensees employed by the facility; the person or business entity owning the facility; the person managing the facility; a certification that the facility will not be used for any other purpose other than embalming or used for activities requiring a funeral establishment permit; and any other information the Board deems necessary as required by law. The applicant shall verify the contents of the application before a notary public.

(d) Upon Board approval of the registration, the embalming facility may be used to embalm dead human bodies and shall not be used as a public accommodation. The owner of the facility must obtain a funeral establishment permit under G.S. 90-210.25(d) if the facility is to be held out to the public, used as a public accommodation, or used to engage in any other activity defined as the practice of funeral service under G.S. 90-210.20(k) other than embalming.

History Note: Authority G.S. 90-210.20(f),(h),(k); 90-210.23(a),(e); 90-210.25(d1); 90-210.27A; Eff. September 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34B .0707 REFRIGERATION

(a) Any refrigeration unit procured and maintained by a funeral establishment must satisfy the following requirements:

- (1) be capable of storing at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in the holding facility;
- (2) be capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed;
- (3) shall have sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units;
- (4) shall have stainless steel, aluminum, or other non-corrosive materials for the remainder of all units; and
- (5) be subject to inspection by Board inspectors at all times.

(b) Upon declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board shall allow, for a period not to exceed the length of the emergency declaration, funeral establishments to procure and maintain one or more temporary refrigeration units. Any such temporary refrigeration unit must satisfy the requirements set forth in Subparagraphs (a)(2)-(5) of this Rule. Any such temporary refrigeration unit not located inside the funeral establishment shall be kept locked at all times when human remains are stored inside.

(c) Human remains stored in a refrigeration unit, as set forth in Paragraphs (a) and (b) of this Rule, must be kept in a container than complies with G.S. 90-210.121(9)(b)-(f).

(d) Prior to using a refrigeration unit that is not located on its premises, a funeral establishment shall provide the Board with a written document that sets forth the following:

- (1) the name, contact information, and license number, if applicable, of the entity that owns the property on which the refrigeration unit is located;
- (2) the physical address of the property on which the refrigeration unit is located;
- (3) the name, contact information, and license number, if applicable, of the entity responsible for maintaining the refrigeration unit that meets the requirements of Paragraphs (a) and (b) of this Rule;
- (4) certification from both the licensed manager of the funeral establishment and an officer, owner, member, or partner of the entity responsible for maintaining the refrigeration unit in compliance with Paragraphs (a) and (b) of this Rule, acknowledging that:
 - (A) the funeral establishment shall use the refrigeration unit for the storage of human remains;
 - (B) the refrigeration unit complies with Paragraphs (a) and (b) of this Rule;
 - (C) a log documenting the chain of possession of human remains shall be maintained, which sets forth the name of the decedent, the funeral establishment or other entity for whom the human remains are being stored, and the date and time that human remains are placed inside and removed from the refrigeration unit;
 - (D) the Board inspectors shall have access to the refrigeration unit at all times;
 - (E) any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-210.25(e)(1)(j).

History Note: Authority G.S. 90-210.23; 90-210.27A(h), (l); Emergency Adoption Eff. February 19, 2021;

Temporary Adoption Eff. May 28, 2021.