

239 CMR: BOARD OF REGISTRATION IN EMBALMING
AND FUNERAL DIRECTING

239 CMR 5.00: CONTINUING EDUCATION

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5.01: Purpose

The purpose of 239 CMR 5.00 is to require all registered embalmers and registered funeral directors to obtain continuing education as a condition for renewal of their licenses in order to maintain the high standards of the profession and business of funeral directing, and to establish criteria for approval of continuing education programs to be used in fulfilling such continuing education requirements.

5.02: Definitions

For purposes of 239 CMR 5.00, the following terms shall have the following meanings:

Board - means the Massachusetts Board of Registration in Embalming and Funeral Directing.

Contact Hour - means a unit of measurement of organized learning experience lasting 50 consecutive minutes.

Registration Period - means the one-year period between registration renewals beginning on November 1 of each calendar year and ending on October 31 of the next calendar year.

5.03: Criteria for Approval of Continuing Education Programs

A continuing education course or program may be used to satisfy the continuing education requirements set forth in 239 CMR 3.02(10) only if it is a formally organized course or program which is primarily instructional in nature and contributes directly to professional competence in the profession and business of funeral directing. Such courses or programs must meet the following criteria in order to be approved for continuing education credit:

- (1) The course or program shall be given by a sponsor approved by the Board, or approved for an individual registrant by the Board;
- (2) An outline of the course or program shall be prepared and distributed to all attendees. Said outline shall state the number of continuing education contact hours provided;
- (3) The course or program shall be at least 50 consecutive minutes in length;
- (4) The course or program shall be conducted by a qualified instructor;
- (5) The number of continuing education contact hours to be awarded to attendees shall be determined by the sponsor or, in the case of a course or program approved for an individual registrant, approved by the Board;
- (6) The course or program shall cover appropriate subject matter, which shall include but shall not be limited to:
 - (a) Business administration;
 - (b) Religious customs and traditions relating to funerals;
 - (c) Natural sciences;
 - (d) Management service systems, cost and budget systems, mergers and acquisitions, data processing, etc.;
 - (e) Pre-need services;
 - (f) Embalming and restorative arts;

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- (g) Massachusetts laws and regulations governing funeral service;
- (h) Funeral service counseling;
- (i) Funeral service merchandising; and
- (j) Sanitation and infection control.

(7) Courses or programs which are taken for the purpose of complying with applicable Federal laws and regulations, including but not limited to any and all regulatory requirements of the United States Occupational Safety and Health Administration, may be used to meet the continuing education requirements of 239 CMR 3.02(10) as long as the course or program in question has been approved by the Board.

(8) The course or program shall be available to all licensees.

5.04: Sponsor Requirements

(1) A sponsor of a continuing education course or program shall be recognized and approved by the Board upon submission of a completed application for approval of said course or program, provided that said sponsor meets all of the following requirements:

- (a) The sponsor submits the completed application for approval of the course or program at least 90 days prior to the end of the registration period for which the continuing education credits are sought;
- (b) The sponsor establishes and maintains an accurate record of course attendance showing the date of the program or course, the location at which the program or course was given, the name of each person who attended, and the license or registration number of each person who attended;
- (c) The sponsor issues certificates or other written evidence of completion of the course or program to each person who attends the entire course or program;
- (d) The sponsor does not issue certificates or other written evidence of completion of the course or program until the course or program is completed;
- (e) The course or program meets all applicable requirements of 239 CMR 5.03; and
- (f) The sponsor maintains a copy of the course or program outline, and all records required by 239 CMR 5.03 and 239 CMR 5.04 for a period of at least four years from the date on which the course or program is presented.

(2) The Board may grant approval to sponsors and/or individual continuing education courses or programs by resolution, and may likewise withdraw or rescind such approval for good cause shown.

5.05: Responsibilities of Individual Registrants

(1) Each registered embalmer or registered funeral director shall maintain a record of all continuing education courses or programs he or she has completed for a period of not less than four consecutive registration periods, inclusive of the registration period during which the course or program was completed.

(2) Each registered embalmer or registered funeral director, as part of his or her application for renewal of his or her registration, shall attest under the pains and penalties of perjury that he or she has completed the number of continuing education hours required by 239 CMR 3.02(10), or has been granted a deferment from such requirements pursuant to 239 CMR 3.02(11). Such attestation shall be made on a form prescribed and provided by the Board.

(3) Upon written request by the Board, a registered embalmer or registered funeral director shall furnish to the Board such information as the Board may reasonably require about any or all continuing education courses or programs completed by said registrant. A registered embalmer or registered funeral director who is requested to submit such verification of his or her continuing education activities shall submit written verification of all of the following:

- (a) The name of the school, institution, organization or other sponsor conducting the course or program in question;

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- (b) The location at which the course or program in question was presented;
- (c) The title of the course or program in question;
- (d) The date on which the course or program in question was presented;
- (e) The number of hours of continuing education credit being claimed for the course or program in question; and
- (f) The name of the individual authorizing the award of continuing education credit for the course or program in question.

(4) Failure or refusal to provide timely proof of completion of the number of continuing education hours required by 239 CMR 3.02(10), or proof that the registrant obtained a deferment from those requirements pursuant to 239 CMR 3.02(11), upon the request of the Board shall constitute grounds for disciplinary action by the Board.

5.06: Appeal Process

In the event that an application for approval of a specific continuing education course or program, or for approval as a sponsor of continuing education courses or programs, is denied by the Board, the applicant shall have the right, upon written request, to have the Board's decision reviewed and reconsidered. As part of said review process, the applicant may appear personally before the Board and shall have the right to present any additional information which may reasonably have a bearing on the issue of whether the application for approval should be approved.

5.07: Board Responsibilities

It shall be the responsibility of the Board to:

- (1) Establish a system for verifying continuing education information submitted by applicants for renewal of registration;
- (2) Establish deadlines for the submission of documentation of completion of continuing education hours;
- (3) Establish and maintain a record of current registrants;
- (4) Review, and approve or deny, applications for approval of continuing education courses, programs and sponsors;
- (5) Review and decide upon any and all appeals filed pursuant to 239 CMR 5.06;
- (6) Conduct ongoing evaluations of the continuing education process; and
- (7) Supervise related continuing education activities as necessary and appropriate.

REGULATORY AUTHORITY:

239 CMR 5.00: M.G.L. c. 112, § 85.

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