

## 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~~ [registrants](#) 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 [in a live classroom environment](#).

**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: Establishment of Continuing Education Requirement

- (1) ~~Beginning November 1, 1998, every registered embalmer and registered funeral director~~Every registrant shall complete a minimum of ~~five-eight hours~~ contact hours of continuing education prior to the end of each ~~registration period~~Registration Period in courses or programs approved by the Board as a condition for renewal of his or her registration. Of the eight hours of continuing education, at least six must be Contact Hours, the remaining hours may be taken in a Board approved online or correspondence course.
- (2) All continuing education courses or programs approved by the Board shall require Board registrants to complete and pass an examination on the material presented in the course or program as a condition to receiving continuing education credit for the course or program.
- (23) ~~In addition to any~~As part of the continuing education required by 239 CMR 5.03(1), every ~~apprentice embalmer, registered embalmer and registered funeral director~~registrant employed by a licensed funeral establishment shall obtain ~~sufficient continuing education~~ contact hours at least one hour of continuing education to be in compliance with the regulations of the United States Occupational Safety and Health Administration regarding information on bloodborne pathogen exposure risks and protection from such risks, as delineated in 239 CMR 3.12(13) and 29 CFR 1910.1030.
- (34) ~~The Board may modify the minimum number of hours of continuing education required for any registered embalmer or registered funeral director, and/or extend the deadline for completion of such the~~ continuing education requirements, upon a showing by the ~~registered embalmer or registered funeral director~~registrant that such requirements impose an undue hardship due to unforeseen circumstances. Such a request must be in writing, under oath, and accompanied by a letter addressed to the Board written and signed by a licensed medical doctor stating the nature of the registrant's medical condition and the correlation between that condition and the registrant's inability both to complete the required continuing education within the required period as well as the registrant's inability to work. A registrant shall also be eligible for a waiver of mandatory continuing education deadlines if the registrant can provide adequate documentation to show that another individual under the care of the registrant is suffering from an illness or disability and that said care prevented the registrant both from completing continuing education as well as preventing the registrant from working.

(45) \_\_\_ A ~~registered embalmer or registered funeral director registrant~~ shall not be required to complete the continuing education required by 239 CMR 5.03(1) for the ~~registration period~~Registration Period in which he/ or she obtains his or her initial registration ~~as an embalmer or funeral director~~ in order to obtain renewal of said registration for the following ~~registration period~~Registration Period, but shall be required to obtain such continuing education for all subsequent renewals. Nothing in this paragraph shall exempt a ~~registered embalmer or registered funeral director~~registrant from having to obtain the continuing education in bloodborne pathogen risks required by 239 CMR 3.12(13) and 239 CMR 5.03(2).

#### **5.04: ~~Criteria for Approval of~~Qualifying Continuing Education Programs**

A continuing education course or program may be used to satisfy the continuing education requirements set forth in 239 CMR 5.03 only if it is a formally organized course of 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 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 including first aid and CPR;

~~\_\_\_ (d) Management service systems, cost and budget systems, mergers and acquisitions, data processing, etc.;~~

- ~~(ed) \_\_\_ Pre-need services;~~
- ~~(fe) \_\_\_ Embalming and restorative arts;~~
- ~~(gf) \_\_\_ Massachusetts laws and regulations governing funeral service;~~
- ~~(hg) \_\_\_ Funeral service counseling;~~
- ~~(hi) \_\_\_ Funeral service merchandising; and~~
- ~~(ij) \_\_\_ Sanitation and infection control.~~

(7) \_\_\_ The following are generally not acceptable subject matters:

- (a) \_\_\_ Services falling outside the scope of Board issued registrations; and,
- (b) \_\_\_ Non-Massachusetts laws and regulations.

~~(78) \_\_\_ The course or program shall be available to all ~~licensees~~registrants.~~

### **5.05: 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 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;

(b) 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;

(c) The sponsor does not issue certificates or other written evidence of completion of the — course or program until the course or program is completed;

—(d) \_\_\_ The course or program meets all applicable requirements of 239 CMR 5.04; and

—(e) \_\_\_ The sponsor maintains a copy of the course or program outline, and all records required by 239 CMR 5.04 and 239 CMR 5.05(1)(a) 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.

(3) In general, the Board shall not approve as sponsors a registrant or licensed funeral establishment seeking to provide continuing education to his/her/its own employees.

### **5.06: Responsibilities of Individual Registrants**

(1) \_\_\_ Each ~~apprentice embalmer, registered embalmer or registered funeral director~~ registrant 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 period~~ Registration Periods, inclusive of the ~~registration period~~ Registration Period during which the course or program was completed.

(2) \_\_\_ Each ~~apprentice embalmer, registered embalmer or registered funeral director~~ registrant, 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 5.03. Such attestation shall be made on a form prescribed and provided by the Board.

- (3) \_\_\_ Upon written request by the Board, ~~an apprentice embalmer, registered embalmer or registered funeral director~~ a registrant 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. ~~An apprentice embalmer, registered embalmer or registered funeral director~~ A registrant 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 the~~ name of the school, institution, organization or other sponsor conducting the \_\_\_\_\_ course or program in question;
  - (b) \_\_\_ ~~The the~~ location at which the course or program in question was presented;
  - (c) \_\_\_ ~~The the~~ title of the course or program in question;
  - (d) \_\_\_ ~~The the~~ date on which the course or program in question was presented;
  - (e) \_\_\_ ~~The the~~ number of hours of continuing education credit being claimed for the course \_\_\_\_\_ or program in question; and
  - (f) \_\_\_ ~~The 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 5.03 upon the request of the Board shall constitute grounds for disciplinary action by the Board.

### **5.07: 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.~~

### **5.087: Continuing Education Requirements for License Reinstatement**

~~A registered embalmer or registered funeral director whose registration has lapsed or expired may have his or her registration reinstated if he or she submits an application for reinstatement of that registration on a form provided for that purpose by the Board; pays all renewal and late fees required by law; and In order to reinstate a registration after expiration, cancellation, or suspension, a registrant shall~~ submits proof of completion of all continuing education hours normally required under 239 CMR 5.03 for the period from the date of his or her last registration renewal to the date of his or her application for reinstatement. In the event that such an application for reinstatement is submitted prior to the expiration date of a particular ~~registration period~~Registration Period, the continuing education required for that ~~registration period~~Registration Period shall be prorated appropriately.

### **5.098: 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 5.07;~~
- ~~(5)~~ \_\_\_ Conduct ongoing evaluations of the continuing education process; and
- ~~(7)~~ \_\_\_ Supervise related continuing education activities as necessary and appropriate.