

BEFORE THE BOARD OF FUNERAL SERVICE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PROPOSED  
ARM 24.147.2101 continuing ) AMENDMENT  
education requirements )  
) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On December 2, 2013, the Board of Funeral Service (board) proposes to amend the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., on November 15, 2013, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; dlibsdfnr@mt.gov (board's e-mail).

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.147.2101 CONTINUING EDUCATION REQUIREMENTS (1) Morticians with active licenses, beginning with their first full year of licensure, shall complete a minimum of 12 hours of approved continuing education in a two-year period, beginning July 1, ~~2015~~ 2013, with a minimum of three hours addressing the FTC funeral rule, federal or state regulations governing safety and sanitation of funeral services practice, board rules governing funeral trusts, or funeral services ethics. The board will conduct the first audit under this rule after July 1, 2015, and every odd-numbered year thereafter. Morticians with active licenses licensed less than two full years on their first audit must provide proof of six hours of continuing education.

(2) through (12) remain the same.

AUTH: 37-1-319, 37-19-202, MCA  
IMP: 37-1-131, 37-1-306, 37-1-319, MCA

REASON: In MAR Notice No. 24-147-33, filed March 18, 2013, the board proposed numerous housekeeping and substantive changes to board continuing education requirements. The board intended such changes to be effective with passage of the rule with the auditing of such new requirements to begin July 1, 2015. In the

adoption notice, filed July 1, 2013, the board accepted comments and inserted the 2015 date in two places in this rule. The inclusion of the date in the first sentence however, had the unintended and incorrect result of creating a period of time between July 12, 2013 (the effective date of the rule) and July 1, 2015, where no CE requirements whatsoever are required. The board deems it necessary to now correct this clerical error. In doing so, the status quo remains that all mortician licensees are subject to continuing education requirements for renewal.

4. Concerned persons may submit their data, views, or arguments concerning the proposed amendment in writing to the Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdfnr@mt.gov](mailto:dlibsdfnr@mt.gov), to be received no later than 5:00 p.m., November 29, 2013.

5. If persons who are directly affected by the proposed amendment wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdfnr@mt.gov](mailto:dlibsdfnr@mt.gov). The comments must be received no later than 5:00 p.m., November 29, 2013.

6. If the board receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 15 persons based on 154 morticians with active licenses.

7. An electronic copy of this notice is available at [www.funeral.mt.gov](http://www.funeral.mt.gov) (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the

person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdfnr@mt.gov](mailto:dlibsdfnr@mt.gov), or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.147.2101 will not significantly and directly impact small businesses.

Documentation of the board's determination is available upon request to the Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or [dlibsdfnr@mt.gov](mailto:dlibsdfnr@mt.gov).

BOARD OF FUNERAL SERVICE  
R.J. (DICK) BROWN, CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 21, 2013