

Dear Senators PATRICK, Guthrie, Ward-Engelking, and  
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Bureau of Occupational Licenses - State Board of Morticians:

IDAPA 24.08.01 - Rules of the State Board of Morticians - Proposed Rule (Docket No.  
24-0801-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/05/2018. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/05/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

**FROM:** Legislative Research Analyst - Matt Drake

**DATE:** October 17, 2018

**SUBJECT:** Bureau of Occupational Licenses - State Board of Morticians

IDAPA 24.08.01 - Rules of the State Board of Morticians - Proposed Rule (Docket No. 24-0801-1801)

#### Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of proposed rulemaking related to the State Board of Morticians at IDAPA 24.08.01. The proposed rule addresses what happens to a certificate of authority when a mortician or funeral director chooses to place their license on inactive status, or if they choose to return their license to active status. The proposed rule change will establish that a licensee's certificate of authority expires when their license goes inactive, and provides that it may be reissued when their license is returned to active status.

#### Negotiated Rulemaking / Fiscal Impact

The Bureau states that negotiated rulemaking was not conducted because the proposed rule was discussed and decided upon during noticed, open meetings of the Board. There is no fiscal impact.

#### Statutory Authority

The rulemaking appears authorized pursuant to 54-1106 and 54-1110, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Morticians  
Tana Cory

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

# **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

## **24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS**

**DOCKET NO. 24-0801-1801**

### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1110, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Morticians' proposed rule will address what happens to a certificate of authority when a mortician or funeral director chooses to place their license on inactive status, or if they choose to return their license to active status. The proposed rule change will establish that a licensee's certificate of authority expires when their license goes inactive, and provides that it may be reissued when their license is returned to active status.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rule was discussed and decided upon during noticed, open meetings of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jennifer Carr at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 29th day of August, 2018.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0801-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**380. INACTIVE LICENSE.**

**01. Request for Inactive License.** Persons holding an unrestricted mortician or funeral director license in this state may apply for inactive status by making written application to the Board on a form prescribed by the Board and paying the established fee. (3-22-18)

**02. Inactive License Status.** (3-22-18)

**a.** Inactive license renewal notices and licenses will be marked “inactive”. (3-22-18)

**b.** Inactive license holders may not practice in Idaho while on inactive status. (3-22-18)

**c.** If a licensee holds a certificate of authority and places their license on inactive status, their certificate of authority expires as of the date their license becomes inactive. ( )

**d.** All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. (3-22-18)

**03. Return to Active License Status.** An inactive license holder may convert from inactive to active license status by: (3-22-18)

**a.** Making written application to the Board on a form prescribed by the Board; (3-22-18)

**b.** Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and (3-22-18)

**c.** Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. (3-22-18)

**d.** An inactive licensee who held a certificate of authority at the time their license became inactive who returns to active license status pursuant to this rule may be reissued a certificate of authority by paying the renewal fee for the certificate of authority. ( )