

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number **Frl 300 various**

<p>1. Agency Name & Address:</p> <p>Board of Registration of Funeral Directors and Embalmers Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u> RSA 325:9; RSA 325:31 </u></p> <p>3. Federal Authority: <u> N/A </u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption <u> </u></p> <p style="padding-left: 20px;">Repeal <u> </u></p> <p style="padding-left: 20px;">Readoption <u> X </u></p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
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5. Short Title: **Registration and Licensure**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

Chapter Frl 300 describes the registration and licensure process for applicants seeking licensure as an apprentice embalmer, embalmer, or funeral director.

The Board of Registration of Funeral Directors and Embalmers (Board) proposes to:

- **Readopt with amendment Frl 301.01 on application procedures for apprentice embalmers, and Frl 302.01 on applications for embalmers, to incorporate by reference Plc 304 rules on initial licensure, and Plc 1002.17 on fees. The Executive Director of the Office of Professional Licensure and Certification (OPLC) was granted rulemaking authority in RSA 310:6, II to adopt rules for application procedures, pursuant to 2023, 235:8, effective July 15, 2023. OPLC was granted rulemaking authority in RSA 310:6, I to adopt rules relative to the establishment and collection of the fees set forth in RSA 310:5, I.**
- **Readopt with amendment Frl 301.03 on the requirements for apprentice embalmers to rename the “Apprentice Embalmer Monthly Report” form and simplify the reporting requirements for apprentice embalmers.**
- **Readopt with amendment Frl 301.04 on additional requirements for apprentice embalmers to simplify the “Apprentice Funeral Directing Form” and reduce the number of duties the apprentice will be responsible for documenting.**
- **Readopt with amendment Frl 301.06 regarding apprenticeship extensions to limit apprentice embalmers to a single, 2-year extension. Apprentice embalmers will have 4 years instead of 5 years to complete their apprenticeship.**
- **Readopt with amendment Frl 301.07 to describe the responsibilities of licensees who sponsor an apprentice embalmer. Sponsor responsibilities that were previously contained in Frl 30.01(d), (e), and (h) have been moved to Frl 301.07.**
- **Readopt with amendment Frl 302.04 and Frl 303.03 on examinations to remove the time limits and waiting period applicable to applicants seeking to retake the examination.**

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Frl 301.08 regarding unannounced visits was previously effective May 1, 2014, and expired on May 1, 2024, and is not included in this proposal. The Board has not enforced this rule after May 1, 2024.

The Board proposes to readopt without change the following rules:

- **Frl 301.02 on qualifications for apprentice embalmers;**
- **Frl 301.05 on the effective date and expiration date of apprentice embalmer licenses;**
- **Frl 301.09 on no prior examination required for apprentice embalmers;**
- **Frl 302.02 on qualifications for embalmer applicants;**
- **Frl 302.03 on examination requirements for embalmer applicants;**
- **Frl 303.01 on applications for funeral director’s license; and**
- **Frl 303.02 on the qualifications of applicants for funeral director's license.**

The following interim rules were adopted on August 2, 2024, and are subject to extension pursuant to RSA 541-A:14-a.:

- **Frl 301.02 through Frl 301.07, Frl 301.09;**
- **Frl 302.02 through Frl 302.04; and**
- **Frl 303.01 through Frl 303.03.**

6. (b) Brief description of the groups affected:

Applicants for licensure as an apprentice embalmer, embalmer, or funeral director are affected by these rules, as well as licensees who sponsor apprentice embalmers.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statutes Implemented
Frl 301.01 - Frl 301.07	RSA 325:29; RSA 325:31; RSA 325:9, II(b)
Frl 301.05	RSA 310:8, II
Frl 301.09	RSA 325:29
Frl 302.01	2021, 197:52, 56; RSA 310:4, II(c)
Frl 302.02	RSA 325:13
Frl 302.03	RSA 325:13, VI
Frl 302.04	RSA 325:18; RSA 325:13, VI; RSA 310:5, I
Frl 303.01 - Frl 303.02	RSA 325:14; RSA 325:18
Frl 303.03	RSA 325:14; RSA 325:18; RSA 310:5, I

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Chantell B. Wheeler	Title:	Rules Administrator
Mailing Address:	OPLC, 7 Eagle Square, Concord, NH 03301	Phone #:	603-271-8311
		Fax#:	N/A
		E-mail:	Oplc-rules@oplc.nh.gov
		TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)	

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8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, February 24, 2025, at 4:00 p.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, February 12, 2025, at 3:00 p.m.**

Physical Location: **OPLC, 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 24:262, dated 12/31/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules align the applications for the embalmer’s apprentice license and the embalmer’s license with the “Universal Application for Initial License” form created by the Office of Professional Licensure (OPLC) in April 2024.

The proposed rules change the fee reference for an embalmer’s apprentice license and an embalmer’s license from Frl 307.01 to Plc 1002.17. OPLC states the fees under Plc 1002.17 are already being implemented pursuant to RSA 310:5, I and RSA 310:6, I and that board rules that address fees are no longer valid/enforceable therefore there is no change in the fee amount.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

10. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not apply to political subdivisions. These rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.