

Readopt with amendment Frl 301.01, effective 5-1-14 (Document #10567), to read as follows:

Frl 301.01 Application for Embalmer's Apprentice License.

(a) Each applicant for a license to practice as an embalmer's apprentice in the state of New Hampshire shall supply the board with the following on the "Application for Embalmer's Apprentice License" form, revised 7/2021:

- (1) Full name, alias, any previously used names, or maiden names, physical address, mailing address, telephone number, and e-mail address, if any;
- (2) Date of birth, place of birth, and place of employment;
- (3) Name and location of high school, academy, or any educational institution attended;
- (4) Date of graduation, certificate or degree, with copy of diploma, certificate or degree attached;
- (5) Name, address, and date of current employment by apprentice sponsor;
- (6) Affidavit accepting apprentice embalmer for a 6 month or one year apprenticeship term by sponsoring licensed embalmer;
- (7) Affidavit indicating the applicant acknowledges the apprenticeship requirements and affirms the application is completed accurately;
- (8) Denial or affirmation, with explanation upon request, of the following:
 - a. Whether the applicant has ever been the subject of any disciplinary action by any professional licensing authority;
 - b. Whether the applicant has any past or current impairment by, or has been found to have diverted chemical substances;
 - c. Whether the applicant has been found guilty of, or entered a plea of no contest to, any felony or crime involving moral turpitude; and
 - d. Whether the applicant is mentally and physically competent to practice embalming or as a funeral director;
- (9) By the applicant's signature affirm the following pledge: "I, state the information provided is accurate to the best of my knowledge and belief. I understand knowingly providing false information may be grounds for denial, reprimand, suspension,

revocation of a license (RSA 325:32), and may be grounds for conviction of a misdemeanor (RSA 641:3)”; and

- (10) Signature and date on the form.
- (b) Each applicant shall submit the apprentice embalmer licensing fee as cited in Frl 307.01.
- (c) Every applicant shall submit to the board an original, not a photocopy, of a criminal offender record report:
 - (1) Issued by each state where the applicant has resided or been licensed within the preceding 10 years, provided that such states will:
 - a. Send the report to the board; or
 - b. To the applicant for forwarding to the board;
 - (2) Covering the applicant under his or her legal name and under any aliases; and
 - (3) Dated within 6 months of the application for licensure.
- (d) If the state where the applicant previously resided does not issue a criminal offender record reports as required, the board shall consider that applicant for licensure without having received the report.

Readopt with amendment Frl 302.01, effective 5-1-14 (Document #10567), to read as follows:

Frl 302.01 Application for Embalmer License.

- (a) Each applicant for a license to practice as an embalmer in the state of New Hampshire shall supply the board with the following or with “Application for Embalmer License” form, revised 7/2021:
 - (1) Full name, alias, any previously used names, or maiden names, physical address, mailing address, telephone number and e-mail address, if any;
 - (2) Date of birth, place of birth, date of naturalization, and place of naturalization;
 - (3) Name and location of high school attended, and date received diploma;
 - (4) Name and location of college attended, date graduated, and type of degree received, with official transcript attached;

- (5) Name and location of mortuary school attended, date of degree or diploma if different from Frl 302.01(a)(3), with official transcript attached;
 - (6) A list all states where the applicant is currently licensed;
 - (7) Affidavit indicating apprentice embalmer has successfully completed the requirement set forth in Frl 301.03 and Frl 301.04 by the sponsoring New Hampshire licensed embalmer;
 - (8) Certified copy of applicant’s birth certificate with raised seal;
 - (9) Affidavit of good professional character by New Hampshire licensed funeral director or embalmer;
 - (10) Affidavit of good professional character by New Hampshire licensed funeral director or embalmer, other than employer;
 - (11) Denial or affirmation with explanation upon request of the following:
 - a. Whether the applicant has ever been the subject of any disciplinary action by any professional licensing authority;
 - b. Whether the applicant has any past or current impairment by, or has been found to have diverted, chemical substances;
 - c. Whether the applicant has been found guilty of, or entered a plea of no contest to, any felony or crime involving moral turpitude; and
 - d. Whether the applicant is mentally and physically competent to practice embalming;
 - (13) By the applicants signature affirm the following pledge: “I, state the information provided is accurate to the best of my knowledge and belief. I understand knowingly providing false information may be grounds for denial, reprimand, suspension, revocation of a license (RSA 325:32), and may be grounds for conviction of a misdemeanor (RSA 641:3)”; and
 - (14) Signature and date on the form.
- (b) The applicant shall submit the embalmer licensing fee as cited in Frl 307.01.
- (c) Every applicant shall submit to the board an original, not a photocopy, of a criminal offender record report:

(1) Issued by each state where the applicant has resided or been licensed within the preceding 10 years, provided that such states will:

- a. Send the report to the board; or
- b. To the applicant for forwarding to the board;

(2) Covering the applicant under his or her legal name and under any aliases; and

(3) Dated within 6 months of the application for licensure.

(d) If the state where the applicant previously resided does not issue a criminal offender record reports as required, the board shall consider that applicant for licensure without having received the report.

Readopt with amendments 403.04, effective 3-10-17 (Document #12129), to read as follows:

Frl 403.04 Home Study or Internet Continuing Education.

(a) Continuing education credit shall be granted for the completion of home study or online internet programs or courses, provided that such programs or courses require the completion of a written exam by the funeral director or embalmer to be scored by the provider.

(b) Satellite transmissions which provide for group discussion and include a facilitator shall be granted credit.

(c) A maximum of 10 hours in this category may be applied toward fulfilling the total continuing education credit requirements for biennial license renewal.

(d) Notwithstanding (c) above, due to the governor's executive order 12, which expired June 11, 2021, during the renewal cycle ending in June 30, 2021, all continuing education hours may be completed via home study or online internet programs or courses.

Readopt with amendment Frl 603.01, effective 12-7-15 (Document #10988), cited and to read as follows:

PART Frl 603 INSPECTION

Frl 603.01 Funeral Home Inspections.

(a) The board shall inspect every funeral home or chapel where funeral directing is conducted or where embalming is practiced at least once every 3 years but no more than 2 times per year unless just cause such as evidence of repeated complaints. Inspections shall be performed by members of the board or the board's appointed designee, and shall be conducted in the presence of the owner(s) or a licensed New Hampshire funeral director employed by the funeral home.

(b) Upon notification from the applicant that the establishment for which they have requested a license is ready for inspection, the board shall conduct an inspection pursuant to Frl 603.

(c) Once every 3 years the board shall request each licensee's consent to conduct a routine inspection and if such consent is given, the board shall conduct an inspection.

(d) If a request pursuant to (c) above is denied, or if the board determines it is necessary to conduct a surprise inspection, the board shall obtain an administrative warrant pursuant to RSA 595-B and shall then conduct the inspection.

(e) Any inspection shall be conducted, pursuant to Frl 603, during regular business hours for the purpose of inspecting such records and conducting such investigations as may reasonably be necessary to ensure that the funeral home or chapel, and its owners and employees, are in compliance with all applicable requirements set forth in Frl 700 and all other applicable federal, state, and local laws or regulations.

(f) The inspection report shall be completed by a board member or the board's authorized designee and shall include the following:

(1) The name of the funeral home or chapel, its physical address, telephone number, fax number, e-mail, and web site address;

(2) The funeral home or chapel license number, the date and time of inspection, the type of inspection, and type of ownership;

(3) The name, position, license number and hours worked for each employee of the funeral home or chapel;

(4) The name and address of the financial institution where pre-need funds are deposited including name of any licensed insurance agent;

(5) Whether the funeral home or chapel displays certificates of inspection and certificates of licensed individuals in accordance with Frl 602.02 (b) and Frl 603.02;

(6) Whether the funeral home or chapel complies with the Americans with Disabilities Act;

(7) Whether the funeral home or chapel complies with Frl 602.10, Frl 602.11, Frl 602.12 (a) and (b);

- (8) Whether the funeral home or chapel maintains a clearly legible exterior sign in accordance with Frl 602.15;
 - (9) Whether the funeral home or chapel maintains a preparation room in compliance with Frl 701.01 (a)-(r);
 - (10) Whether the funeral home or chapel maintains proper sanitation and universal precautions in compliance with Frl 701.02 (c)-(f);
 - (11) Whether the funeral home or chapel maintains a general price list, casket price list, outer burial container price list, and statement of funeral goods and services selected disclosures in compliance with the Funeral Rule 16 CFR 453;
 - (12) Obtain copies of the general price list, casket price list, statement of funeral goods and services selected, outer burial container price list and pre-need funeral contract;
 - (13) Whether the funeral home or chapel complies with the web site requirements in Frl 602.13 (d);
 - (14) Whether the funeral home or chapel complies with the preneed funeral contracts requirements in RSA 325:46-a I and funds deposited in accordance with RSA 325:45;
 - (15) The date of inspection and signature of inspector; and
 - (16) The date, signature, and title of funeral home representative, which shall represent the funeral home representative's acknowledgement that he or she was present during the inspection.
- (g) Funeral home inspection fees shall be as specified in Frl 307.01, Table 307-2.
- (h) Interference with, or the obstruction of, a board member or an authorized designee in the performance of their respective duties by an owner, agent, or employee of the funeral home or chapel shall be considered sufficient cause for suspension or revocation of the funeral director's license.

Readopt with amendment Frl 801.03, effective 10-9-15 (Document #10945), to read as follows:

Frl 801.03 License to Operate a Crematory.

- (a) Prior to performing cremations in a new facility, a person desiring to operate a crematory shall comply with RSA 325-A:2 and apply to the board for a license.

(b) Each applicant shall submit a completed application form entitled “Application for License to Operate a Crematory” revised 7/2015, including the following:

- (1) The name of the applicant;
- (2) The mailing address of the applicant;
- (3) The applicant’s telephone number;
- (4) The applicant’s email address;
- (5) The name of the crematory;
- (6) The location of the crematory, including the street number and name, town or city, state, zip code, county, and the name of cemetery or funeral home if applicable;
- (7) The name and address of each crematory owner, and indicate ownership type individual, association, partnership, corporation or other, if other explain;
- (8) The name of the certified crematory operator(s) pursuant to RSA 325-A:4; and
- (9) The signature of:
 - a. The owner, if a private crematory;
 - b. Two officers, if a corporation; or
 - c. At least one authorized individual, if any other entity; and
- (10) A fee of \$100 for licensure.

(c) The crematory authority shall submit an unexpired certified crematory operator certificate for each operator. A certificate shall be considered expired if:

- (1) It is past its expiration date listed on the certificate; or
- (2) It is over 5 years from the date of its issue.

(d) Every applicant and crematory operator shall submit to the board a notarized criminal history record release form and the associated fee, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

(e) The applicant shall mail or hand-deliver the documents to:

Board of Registration of Funeral Directors and Embalmers

Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301

Readopt with amendment Frl 801.05, effective 10-9-15 (Document #10945), to read as follows:

Frl 801.05 Inspections.

(a) A board member or its authorized designee shall conduct an inspection of the crematory premises to ensure compliance with RSA 325-A and Frl 800 at the following times:

- (1) After the completion of construction, but prior to the performance of cremations;
- (2) Within 90 days of granting approval to operate;
- (3) At any time after receiving approval to operate in order to determine continued compliance;
- (4) Upon notification of ownership change; and
- (5) Once every 3 years.

(b) A crematory owner who changes the location of his or her crematory, or who adds a crematory away from the owner's main or primary facility, or both, or who purchases a crematory, shall request an inspection within 10 days of the close of the transaction or relocation and shall submit a notification to the board which contains:

- (1) The name and address of the crematory;
- (2) The telephone number; and
- (3) The name of the crematory owner(s), manager(s), and the names of all certified crematory operators employed by the crematory, and the date their certification expires.

(c) Upon notification from the applicant that the crematory for which the applicant has requested a license is ready for inspection, the board shall conduct an inspection pursuant to Frl 801.05.

(d) Once every 3 years, the board shall request a crematory authority's consent to a routine inspection and if such consent is given the board shall conduct an inspection.

(e) If a request pursuant to (d) above is denied, or if the board determines it is necessary to conduct a surprise inspection, the board shall obtain an administrative warrant pursuant to RSA 595-B and shall then conduct the inspection.

(f) The crematory inspection report shall contain the following:

- (1) The name of crematory, physical address, mailing address, telephone number, fax number, crematory e-mail, and web site address, if any;
- (2) The crematory license number and date and time of inspection;
- (3) Whether the inspection is for a new license, a renewal license, a change of ownership, or a re-inspection;
- (4) The name of the inspector;
- (5) The name of crematory owner and manager;
- (6) The make, model, and number of cremation retorts;
- (7) The name of any certified crematory operator(s) and the date their certification expires;
- (8) Whether the crematory has established written policies and procedures in accordance with Frl 801.11 (b);
- (9) Whether the crematory conform to the requirements of New Hampshire department of environmental services, Env-A 100 through Env-A 4805, governing the control of air pollution pursuant to Frl 801.11 (c);
- (10) Whether the crematory has complied with the requirements of New Hampshire department of environmental services, Env-Sw 904 for the management of infectious waste pursuant to Frl 801.11 (d);
- (11) Whether the crematory maintains a holding facility in accordance with Frl 801.11 (e);
- (12) Whether the crematory maintains a refrigerated holding facility in accordance with Frl 801.11 (j);
- (13) Whether the public access is separated from the holding or refrigerated area pursuant to Frl 801.11 (k);
- (14) Whether the cremation chambers and retorts are maintained according to the manufacturers' specification pursuant to Frl 801.11 (f);

- (15) Whether the cremation chambers and retorts are operational pursuant to Frl 801.11 (g);
 - (16) Whether the crematory maintains a maintenance service log for each retort;
 - (17) Whether the crematory floors are constructed of concrete and not covered with flammable material pursuant to Frl 801.11 (h) (1);
 - (18) Whether the crematory walls and ceilings are constructed of fireproof or fire retardant materials pursuant to Frl 801.11 (h) (2);
 - (19) Whether the crematory maintains a book of records in accordance with Frl 801.12 (f);
 - (20) Whether the crematory maintains copies of the medical examiner's certificate of cremation and copies of the burial transit permit for each cremation of human remains pursuant to Frl 801.12 (g);
 - (21) Whether the crematory provides a receipt for the delivery of human remains in accordance with Frl 801.13 (d) and (e);
 - (22) Whether the crematory maintains a record of written consent to cremate in accordance with RSA 325-A:22;
 - (23) The date of inspection and signature of inspector; and
 - (24) The date and signature of the crematory representative, which shall represent the crematory representative's acknowledgement that he or she was present during the inspection.
- (g) If a crematory meets the requirements as set forth in RSA 325-A and Frl 800, the board shall notify the crematory of the successful inspection in writing.
- (h) Upon failure of the crematory to meet all the requirements as set forth in RSA 325-A and Frl 800, the board shall issue the crematory a written report of the deficiencies.
- (i) The board shall reinspect a crematory that failed a previous inspection at the written request of the crematory owner.
- (j) If an inspection, as described in (a) (2)-(3) above, finds violations of RSA 325-A or Frl 800, the owner shall submit a corrective action plan in accordance with Frl 801.09 (b).

Readopt with amendment Frl 801.06, effective 10-9-15 (Document #10945), to read as follows:

Frl 801.06 License Renewal.

(a) The crematory authority shall file a written application to renew a license under this chapter every 5 years, as set forth in RSA 325-A:5.

(b) The crematory authority shall submit a completed application form entitled “Application for Renewal of Crematory License” revised 7/2021, including the following:

- (1) The name of the applicant;
- (2) The mailing address of the applicant;
- (3) The applicant’s telephone number;
- (4) Social security number pursuant to RSA 161-B:11, VI-a;
- (5) The applicant’s email address;
- (6) The name of the crematory;
- (7) The location of the crematory, including street number and name, town or city, state, zip code, county, and the name of cemetery or funeral home, if applicable;
- (8) The name and address of each crematory owner;
- (9) An indication of whether the crematory is owned by an individual, association, partnership, or other ownership type, and, if other, an explanation of the type of ownership;
- (10) The name of each certified crematory operator(s) pursuant to RSA 325-A:4; and
- (11) The signature of:
 - a. The owner, if a private crematory;
 - b. Two officers, if a corporation; or
 - c. At least one authorized individual, if any other entity; and
- (12) The applicant(s) shall submit a fee of \$500 with each application.

(c) The crematory authority shall submit an unexpired certified crematory operator certificate for each operator and a certificate shall be considered expired if:

- (1) It is past its expiration date listed on the certificate; or
- (2) It is over 5 years from the date of its issue.

(d) Every applicant and crematory operator shall submit to the board a notarized criminal history record release form and the associated fee, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

(e) The applicant shall mail or hand-deliver the documents to:

Board of Registration of Funeral Directors and Embalmers
Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301

(f) Reinstatement and relicensure shall be in accordance with RSA 325-A:14.

(g) Prior to reinstatement of a lapsed license, the crematory authority shall pay the renewal fee and an additional \$100 per month from the date the license lapsed.

Appendix

Rule	Statute
Frl 301.01	RSA 325:9, I
Frl 302.01	RSA325:9, I
Frl 403.04	RSA 325:9, IV
Frl 603.01	RSA 325:17
Frl 801.03	RSA 325-A:4, RSA 325-A:28, I
Frl 801.05	RSA 325-A:8, RSA 325-A:28, VI
Frl 801.06	RSA 325-A:4, RSA 325-A:28, I