

Proposal Summary/ Overview

**To be completed by proposal sponsor. (500 Word Count Limit for this page) Please read the entire questionnaire before completing this page.**

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*Is this proposal regarding:*

- *New or increased regulation of an existing profession/occupation? If so, complete Questionnaire A.*
- *Increased scope of practice or decreased regulation of an existing profession? If so, complete this form, Questionnaire B.*
- *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

1) State the profession/occupation that is the subject of the proposal.

The subject of this proposal is the funeral service profession, specifically individuals licensed to practice mortuary science (performing the duties of a mortician licensed in Minnesota) in other states who seek reciprocal licensure in Minnesota.

2) Briefly describe the proposed change.

Current law allows MDH to issue a reciprocal license to an out-of-state mortician who meets Minnesota's licensing requirements. However, Minnesota's requirements are higher than nearly all other states. This proposal clarifies the reciprocal licensing process by requiring all applicants to: pass the National Board and Minnesota state exams; submit an affidavit confirming no pending investigations and no restricted licenses; submit an affidavit confirming completion of at least 25 services, 25 arrangements, and 25 embalming cases; and provide documentation of completing continuing education within the prior two years. For educational qualifications, the applicant can either meet Minnesota's educational requirements or provide documentation of licensure in another state along with an affidavit of at least three years of active practice in that jurisdiction.

3) If the scope of practice of the profession/occupation has previously been changed, when was the most recent change? Describe the change and provide the bill number if available.

The last major update to Chapter 149A was in 1997. This is when cremation began to be regulated by the Minnesota Department of Health, when a Bachelor's Degree became a requirement to become a mortician, and when continuing education became a requirement to renew a mortician's license. Other changes have taken place in the law since 1997, such as Alkaline Hydrolysis, Home Funerals, the addition of the Transfer Care Specialist registration, authorizing Natural Organic Reduction, and CEU changes.

4) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.

The proposal has been introduced in both the House and Senate. HF84 (Huot; Schomacker) and SF2154 (Utke).

**Questionnaire B: Change in scope of practice or reduced regulation of a health-related profession (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)**

This questionnaire is intended to help legislative committees decide which proposals for change in scope of practice or reduced regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee’s public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions that do not pertain to the profession/occupation (indicate “not applicable”). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

**1) Who does the proposal impact?**

- a. Define the occupations, practices, or practitioners who are the subject of this proposal.

This proposal impacts individuals who hold a current mortician or funeral director license or credential in another state and are seeking reciprocal licensure in Minnesota. It also impacts the Minnesota Department of Health, which administers reciprocal licensing.

- b. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota

The Minnesota Funeral Directors Association (MFDA) is supporting and advocating for this proposal. MFDA represents more than 650 members across Minnesota.

- c. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.

Reciprocal licensees would work in the same settings as all licensed morticians: licensed funeral establishments throughout Minnesota. Reciprocal licensing is particularly important in border communities where practitioners may wish to serve families across state lines, and in Greater Minnesota where funeral establishments face workforce shortages and seek to recruit practitioners from other states.

- d. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.

Reciprocal licensees perform the same functions as any licensed mortician: embalming and body preparation, funeral arrangements, conferences with families, directing funeral and memorial services, and regulatory compliance (death certificates, permits). These duties are unique to mortuary science and are not performed by any other occupational group.

- e. Discuss the fiscal impact.

The Mortuary Science Section at the Minnesota Department of Health is funded by licensing fees. Reciprocal licensing applicants pay a \$200 application fee (149A.65). The proposal does not change the fee.

**2) Specialized training, education, or experience (“preparation”) required to engage in the occupation**

- a. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?

Current requirements to become a licensed mortician are as follows:

- Be 21 years of age
- Education requirement: Bachelor of Science with a major in mortuary science from an accredited program, OR a Bachelor’s degree and separate coursework from an accredited college of funeral service education, OR the functional equivalent in credit hours
- Pass the National Board Examination from the Conference of Funeral Service Examining Boards of the United States, Inc.
- Pass the Minnesota exam administered by MDH
- Complete a registered internship (2,080 hours) under the direct supervision of a licensed mortician
  - Complete 25 case reports in each of the following: embalming, funeral arrangements, and funeral services

This proposal creates an alternative pathway, by allowing three years of work experience in place of the educational requirements.

- b. Would the proposed scope change or reduction in regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear the increase or benefit from reduction in cost of entry? Are current practitioners required to provide evidence of preparation or pass an examination? How, if at all, would this change under the proposal?

The proposal does not reduce preparation requirements. It adds specificity and structure to the reciprocal licensing process. This proposal clarifies exactly what an applicant must provide: either documentation of meeting Minnesota’s educational requirements, or an affidavit of at least three years of active practice in another jurisdiction. It also requires affidavits confirming no pending investigations, no restricted licenses, and completion of at least 25 services, 25 arrangements, and 25 embalming cases. The applicant must also demonstrate completion of continuing education within the two years prior to applying. The cost of entry is not changed. Examination requirements (National Board and Minnesota state exam) remain the same.

- c. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?

Reciprocal licensing models with defined documentation requirements are common across states.

**3) Supervision of practitioners**

- a. How are practitioners of the occupation currently supervised, including any supervision within a regulated institution or by a regulated health professional? How would the proposal change the provision of supervision?

Licensed morticians are not supervised by another profession. They are regulated by the Minnesota Department of Health. Reciprocal licensees would be subject to the same regulatory oversight as any Minnesota-licensed mortician. The proposal does not change supervision in any way.

- b. If regulatory entity currently has authority over the occupation, what is the scope of authority of the entity? (For example, does it have authority to develop rules, determine standards for education and training, assess practitioners' competence levels?) How does the proposal change the duties or scope of authority of the regulatory entity? Has the proposal been discussed with the current regulatory authority? If so, please list participants and date.

Minnesota Department of Health currently has oversight over morticians and licensed funeral establishments. This would not be changed. MDH continues to have full authority over licensing, inspections, complaints, and disciplinary actions.

- c. Do provisions exist to ensure that practitioners maintain competency? Under the proposal, how would competency be ensured?

Yes. The proposal requires reciprocal applicants to submit affidavits as a demonstration of competency. Once licensed, reciprocal licensees are subject to the same continuing education requirements and MDH oversight as all Minnesota-licensed morticians.

**4) Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and wellbeing of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)**

- a. Describe how the safety and wellbeing of Minnesotans can be protected under the expanded scope or reduction in regulation.

Public safety is protected through multiple requirements: applicants must pass both the National Board and Minnesota state exams; must demonstrate education or substantial practice experience; must attest that they are not under investigation and are not practicing under a restricted license in another jurisdiction; must demonstrate hands-on competency through case completion; and must show current continuing education. Once licensed, reciprocal practitioners are subject to the same MDH oversight, complaint process, and disciplinary authority as all Minnesota licensees.

- b. Can existing civil or criminal laws or procedures be used to prevent or remedy any harm to the public?

Yes. Due to Minnesota Department of Health oversight, morticians and licensed funeral establishments are held accountable to their actions. MDH has full authority to investigate complaints, issue correction orders, impose administrative penalties, and suspend or revoke licenses.

**5) Implications for Health Care Access, Cost, Quality, and Transformation**

- a. Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?

This proposal helps address workforce shortages in funeral service by providing a clear, predictable pathway for qualified out-of-state practitioners to become licensed in Minnesota.

- b. Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used.

The proposal may increase the supply of licensed morticians by providing an alternative pathway to licensure with three-year practice experience. The proposal does not impact the cost of services or goods to the public.

- c. Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?

Not applicable.

- d. Describe any impact of the proposal on an evolving health care delivery and payment system (eg collaborative practice, innovations in technology, ensuring cultural competency, value based payments)?

Not applicable.

- e. What is the expected regulatory cost or savings to state government? How are these amounts accounted for under the proposal? Is there an up-to-date fiscal note for the proposal?

This proposal is not anticipated to require a change in the reciprocal license application fee. MDH already processes reciprocal licensing applications for a \$200 fee. We expect costs are covered through the existing fee structure.

**6) Evaluation/Reports**

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.

There have not been discussions about evaluating the impact of the proposal. There is a Mortuary Science Ad Hoc committee established by the Department of Health which meets quarterly, and this could be a venue to solicit feedback from the profession and craft future changes if necessary.

**7) Support for and opposition to the proposal**

- a. What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota?

The Minnesota Funeral Directors Association is supporting and advocating for this proposal. MFDA represents more than 650 members across Minnesota.

- b. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.

The Minnesota Funeral Directors Association is unaware of any other associations in the funeral profession who have weighed in on the proposal.

- c. List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.

MFDA has not received feedback of any concern or opposition to this proposal.

- d. What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?

MFDA is not aware of any opposition to this proposal.