

Subject Mortuary science; transfer care specialists, maintaining bodies in refrigeration

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Overview

This bill establishes registration of transfer care specialists in the mortuary science chapter, specifies permitted duties of a transfer care specialist, requires transfer care specialists to operate under the direct supervision of a licensed mortician, and adds transfer care specialists to other statutes in chapter 149A. This bill also modifies the time period a funeral establishment may keep a body in refrigeration. It appropriates money to the Department of Health for these activities.

Summary

Section	Description
1	Scope. Amends § 149A.01, subd. 2. Specifies that persons registered by the commissioner of health may perform the listed actions; this addition is to conform with the establishment of registration for transfer care specialists.
2	Exceptions to licensure. Amends § 149A.01, subd. 3. Specifies that transfer care specialists are not required to be licensed by the commissioner of health as a mortician or funeral director in order to perform duties under this chapter.
3	Dead human body or body. Adds subd. 12c to § 149A.02. Provides that the term dead human body or body, as used in chapter 149A, includes an identifiable human body part that is detached from a human body.

Section	Description
4	<p>Direct supervision.</p> <p>Amends § 149A.02, subd. 13a. Adds references to registrant and registration to a subdivision defining direct supervision, to conform with establishment of registration for transfer care specialists.</p>
5	<p>Registrant.</p> <p>Adds subd. 37d to § 149A.02. Defines registrant in chapter 149A as a person registered as a transfer care specialist.</p>
6	<p>Transfer care specialist.</p> <p>Adds subd. 37e to § 149A.02. Defines transfer care specialist in chapter 149A as a person registered with the commissioner and authorized to perform removal of a dead human body under the direct supervision of a licensed mortician.</p>
7	<p>Duties of commissioner.</p> <p>Amends § 149A.03. Adds to the duties of the commissioner of health related to mortuary science, to register transfer care specialists, enforce laws related to registration, and collect registration fees.</p>
8	<p>Denial; refusal to reissue; revocation; suspension; limitation of license, registration, or permit.</p> <p>Amends § 149A.09. Adds transfer care specialist registration to a section authorizing the commissioner of health to take licensing actions against mortuary science licenses, registrations, and permits and authorizing the commissioner to restore licenses, registrations, and permits in certain circumstances.</p>
9	<p>Publication of disciplinary actions.</p> <p>Amends § 149A.11. Requires the commissioner of health to publish disciplinary actions taken against transfer care specialists, in addition to actions taken against morticians, funeral directors, and interns under chapter 149A.</p>
10	<p>Transfer care specialist.</p> <p>Adds § 149A.47. Establishes registration procedures for transfer care specialists and authorizes them to remove dead human bodies from places of death under the direct supervision of a licensed mortician.</p> <p>Subd. 1. General. Permits a transfer care specialist to remove a dead human body from the place of death under the direct supervision of a licensed mortician.</p>

Section Description

Subd. 2. Registration. Requires an applicant for registration as a transfer care specialist to submit to the commissioner an application with the listed information, proof of completing a training program, and the required fees.

Subd. 3. Duties. Permits a registered transfer care specialist to remove a dead human body from the place of death to a licensed funeral establishment. Requires a transfer care specialist to work under the direct supervision of a licensed mortician.

Subd. 4. Training program. Requires a transfer care specialist to complete a seven-hour training program that is approved by the commissioner and covers the listed topics. Requires the training program to be completed every five years.

Subd. 5. Registration renewal. Provides that registrations expire one year after the date of issuance. Establishes requirements for registration renewal.

11 Prohibited conduct.

Amends § 149A.60. Allows the commissioner of health to discipline a person regulated by chapter 149A for failing to comply with the person's registration.

12 Licensees, registrants, and interns.

Amends § 149A.61, subd. 4. Adds registered transfer care specialists to the individuals who may report to the commissioner any conduct that is a ground for disciplinary action under chapter 149A.

13 Courts.

Amends § 149A.61, subd. 5. Adds registered transfer care specialists to the list of persons for whom a court must report to the commissioner if a court finds the person mentally ill, mentally incompetent, or guilty of certain crimes, or if a court appoints a guardian or conservator.

14 Immunity; reporting.

Amends § 149A.62. Provides immunity from civil liability or criminal prosecution for a registered transfer care specialist who reports violations of chapter 149A in good faith.

15 Professional cooperation.

Amends § 149A.63. Requires registered transfer care specialists to cooperate with the commissioner in any inspection or investigation by the commissioner or a designee.

Section	Description
16	Mortuary science fees. Amends § 149A.65, subd. 2. Establishes a fee of \$1,170 for initial and renewal registration as a transfer care specialist.
17	Advertising. Amends § 149A.70, subd. 3. Adds registered transfer care specialists to the list of individuals prohibited from publishing false, misleading, or deceptive advertising.
18	Solicitation of business. Amends § 149A.70, subd. 4. Adds registered transfer care specialists to the individuals prohibited from soliciting business for valuable consideration to dispose of a dead human body.
19	Reimbursement prohibited. Amends § 149A.70, subd. 5. Adds transfer care specialists to the individuals prohibited from offering, soliciting, or accepting a commission or other reimbursement for recommending a dead human body to be disposed of by a specific program or establishment.
20	Unprofessional conduct. Amends § 149A.70, subd. 7. Adds registered transfer care specialists to the individuals prohibited from engaging in unprofessional conduct.
21	Removal from place of death. Amends § 149A.90, subd. 2. Modifies a subdivision governing persons authorized to remove dead human bodies from the place of death, to permit registered transfer care specialists to do so.
22	Certificate of removal. Amends § 149A.90, subd. 4. Adds transfer care specialists to the list of individuals who may remove dead human bodies from the place of death if a certificate of removal has been completed for the body.
23	Retention of certificate of removal. Amends § 149A.90, subd. 5. In a subdivision governing the use and retention of certificates of removal, requires a transfer care specialist who performs a removal and is not employed by the funeral establishment to which the body was taken, to retain a copy of the certificate of removal on file at the transfer care specialist's business address for three years after the date of removal.

Section	Description
24	<p>Generally.</p> <p>Amends § 149A.94, subd. 1. Changes the time period a body may be kept in refrigeration, from six days after death or release of the body from the coroner or medical examiner as in current law, to:</p> <ul style="list-style-type: none">▪ up to 30 days if the funeral establishment provides notice by the 14th day that the body will be kept in refrigeration for more than 14 days and that the person with the right to control final disposition may make other arrangements; and▪ more than 30 days, if the funeral establishment reports certain information to the commissioner. Each report allows the funeral establishment to keep a body in refrigeration for an additional 30 days, and failure to submit this report subjects a funeral establishment to enforcement under chapter 149A.
25	<p>Appropriation.</p> <p>Appropriates \$219,000 in fiscal year 2023 from the state government special revenue fund to the commissioner of health for the regulation of transfer care specialists and for costs related to authorization to keep bodies kept in refrigeration at a funeral establishment beyond a certain period.</p>



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