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**S.F. No. 2611 - Transfer care specialists to remove dead human bodies from the place of death authorization; registration of transfer care specialists by the commissioner of health establishment; mortuary science fee authorization**

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*Bill Overview*

**S.F. 2611** establishes a new category of registration for a “transfer care specialist,” and provides that such registrants may remove a dead human body from the place of death under the direct supervision of a licensed mortician. This bill imposes requirements on transfer care specialists, including but not limited to, training, application, fee, and record maintenance requirements. S.F. 2611 further prohibits transfer care specialists from deceptive marketing, receiving compensation for referrals, and violating professional conduct standards relating to the removal of dead human bodies.

*Section Summaries*

**Section 1 (amends Minn. Stat. § 149A.01, subd. 3)** Section 7 of this bill creates a new category of registration for a “transfer care specialist.” That section (which adds Minn. Stat. § 149A.47) provides that “a transfer care specialist may remove a dead human body from the place of death under the direct supervision of a licensed mortician.” This section 1 of the bill provides that nothing in chapter 149A (which relates to “Mortuary science; disposition of dead bodies”) requires such transfer care specialists to be licensed if they are registered with the commissioner and act under the supervision of a person holding a current license to practice mortuary science in Minnesota.

**Section 2 (amends Minn. Stat. § 149A.02, subd. 13a)** This section expands the definition of “supervision” of transfer care specialists (along with certain other supervisees addressed in this section of law) to include supervision by telephone.

**Section 3 (amends Minn. Stat. § 149A.02, subd. 37d)** This section defines “transfer care specialist.”

**Section 4 (amends Minn. Stat. § 149A.03)** This section adds registration of transfer care specialists, and related administrative processes, to the list of duties of the commissioner of health under chapter 149A.

**Section 5 (amends Minn. Stat. § 149A.09)** This section permits the Minnesota Department of Health to deny, refuse to renew, revoke, or suspend a transfer care specialist registration under circumstances enumerated in this section of law (*e.g.*, submitting misleading material to the department, violating a rule regulating the final disposition of dead human bodies, or being convicted of a crime). Permits the department to place reasonable limitations on the right to perform transfer care specialist activities, and to restore an impaired registration.

**Section 6 (amends Minn. Stat. § 149A.11)** Section 149A.11 currently requires the commissioner of health to publish an annual description of all disciplinary measures taken by the department. This section includes disciplinary actions taken against transfer care specialists in the annual publication.

**Section 7 (adds Minn. Stat. § 149A.47)**

Subd. 1. This subdivision creates a new category of registration for a “transfer care specialist.” It further provides that a transfer care specialist may remove a dead human body from the place of death under the direct supervision of a licensed mortician, and prohibits a transfer care specialist from otherwise engaging in the practice of mortuary science.

Subd. 2. This subdivision provides the eligibility criteria for registration as a transfer care specialist, including but not limited to, completion of an application, contact information for the supervising licensed mortician, proof of completion of a training program, and payment of a fee.

Subd. 3. This subdivision specifies the duties of a transfer care specialist, including compliance with the universal precaution requirements in section 149A.91, subdivision 1, when handling a dead human body (*i.e.*, to “use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body”) and supervision by a licensed mortician.

Subd. 4. This subdivision requires transfer care specialists to complete a training program that has been approved by the commissioner of health, and sets forth the minimum requirements for the program.

Subd. 5. This subdivision requires annual renewal of a transfer care specialist registration.

**Section 8 (amends Minn. Stat. § 149A.60)** This section permits the department of health to impose disciplinary measures on transfer care specialists for failure to comply with chapter 149A.

**Section 9 (amends Minn. Stat. § 149A.61, subd. 4)** This section permits a transfer care specialist to report personal knowledge of professional conduct violations to the commissioner of health.

**Section 10 (amends Minn. Stat. § 149A.61, subd. 5)** This section requires court administrators to report to the commissioner of health any determination of the court that adjudges or includes a finding that a transfer care specialist is mentally ill, mentally incompetent, or guilty of certain laws.

**Section 11 (amends Minn. Stat. § 149A.62)** This section provides that a transfer care specialist, who, in good faith, reports violations of chapter 149A to the commissioner of health is immune from civil or criminal prosecution. The section clarifies that the specialist remains subject to disciplinary action by the commissioner.

**Section 12 (amends Minn. Stat. § 149A.63)** This section requires a transfer care specialist to fully cooperate with inspections and investigations by the commissioner of health.

**Section 13 (amends Minn. Stat. § 149A.65, subd. 2)** This section establishes a fee for the initial and renewal registrations of transfer care specialists.

**Section 14 (amends Minn. Stat. § 149A.70, subd. 3)** This section prohibits transfer care specialists from publishing or disseminating false, misleading, or deceptive advertising.

**Section 15 (amends Minn. Stat. § 149A.70, subd. 4)** This section prohibits transfer care specialists from directly or indirectly paying, or causing to be paid, any consideration in exchange for authority to dispose of any dead human body.

**Section 16 (amends Minn. Stat. § 149A.70, subd. 5)** This section prohibits transfer care specialists from offering, soliciting, or accepting any reimbursement for recommending or causing a dead human body to be disposed of by a specific entity, facility, or program.

**Section 17 (amends Minn. Stat. § 149A.70, subd. 7)** This section prohibits transfer care specialists from engaging in unprofessional conduct. Unprofessional conduct under this section of law includes, but is not limited to, harassing a customer, using profanity, failing to treat the body of the deceased and members of the deceased's family with dignity and respect, and revealing personally identifiable facts about a decedent.

**Section 18 (amends Minn. Stat. § 149A.90, subd. 2)** This section makes a technical change to include transfer care specialists as a permissible registrant which may remove a dead human body.

**Section 19 (amends Minn. Stat. § 149A.90, subd. 4)** This section requires transfer care specialists to complete a certificate of removal and present a copy of the certificate to the person with custody of the body at the death site before removing a dead human body from the place of death.

**Section 20 (amends Minn. Stat. § 149A.90, subd. 5)** Requires a transfer care specialist who removes a dead human body to retain a copy of the certificate of removal at the specialist's business address for three calendar years, if the specialist was not employed by the funeral establishment to which the body was taken.