

## 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.

**RESPONSE:** The subject of this proposal is the funeral service profession, licensed morticians, licensed funeral establishments, and unlicensed staff – specifically the removal of dead human bodies from the place of death. Mortuary Science is governed by [Chapter 149a](#).

2) Briefly describe the proposed change.

**RESPONSE:** Current law allows only for licensed morticians to take charge of or remove a dead human body from the place of death.

This proposal seeks to allow licensed funeral establishments to use unlicensed staff who are registered with the Department of Health and under the supervision of a licensed mortician (referred to as Transfer Care Specialists), to remove a dead human body from the place of death and transport to the licensed funeral establishment.

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.

**RESPONSE:** 1997 was that last major update in funeral home regulation with 149a. This is when cremation began to be regulated by 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. Only minor changes have taken place in the law since such as Alkaline Hydrolysis, Home Funerals, 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.

**RESPONSE:** The proposal has been introduced in both the House and Senate. [HF2509](#) (Huot) was introduced on March 2, 2023 and [SF2611](#) (Utke) was introduced on March 6, 2023.

In 2022, the Transfer Care Specialist language from [HF4160](#) (Schomacker) and [SF3664](#) (Koran) was amended into [HF1888](#) (Huot) and [SF1847](#) (Koran). HF1888 was passed out of Ways and Means and included in Article 1, Sections 51 – 73 of the House HHS Omnibus bill, [HF4706](#) (Liebling).

5) Given the press of business in the 2023 legislative session it is unlikely that health licensing and scope of practice bills will be taken up this year. If there is an urgent need for the bill to be heard this year, please explain the urgency.

**RESPONSE:** Funeral Establishments have needed a practical solution to making removals, especially after hours, for a number of years. Like many professions currently, there is a shortage of morticians in different areas of the state. Removals are an area of funeral service that are the most time sensitive and cannot be scheduled in advance; and due to the requirement for a mortician to carry out this duty, there can be a long wait for the removal to occur. Since removals are performed in many differing and complicated locations and scenarios, a solution that ensures public and employee safety is essential. This is a particularly important need outside of the Twin Cities metro area. Within the seven-county metro (and surrounding area) funeral establishments can contract with third party removal services. These services employ licensed morticians that alleviate some of the burden of being available 24/7 to make removals. In communities where the third party services do not operate, it places the responsibility solely on the morticians at the funeral establishment, always requiring 24/7 availability.

## **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.

**RESPONSE:** The legislation creates a new "Transfer Care Specialist" which is a position registered with the Department of Health. In order to be registered with the Department of Health as a Transfer Care Specialist, an individual must:

- Complete and submit the application to the Department of Health
  - o Includes applicants name, home address, phone number, business name, business address, business phone number, and email address
  - o Includes the supervising morticians name, license number, business name, and business address and phone number
- Proof of completion of the 7 hours of training
- Pay the appropriate fee

Once registered, the Transfer Care Specialist is authorized to perform the removal of a dead human body from the place of death under the supervision of a licensed mortician.

This proposal does not remove the ability for licensed morticians to remove a dead body from the place of death, it expands this ability to a Transfer Care Specialist.

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

**RESPONSE:** The Minnesota Funeral Directors Association is not aware of any other associations or groups seeking this regulation.

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

**RESPONSE:** Death often occurs in settings other than at hospitals and nursing facilities. Removals from these uncontrolled settings are often challenging and sensitive. Many of the locations include bedrooms, bathrooms, residences, hotels, apartment complexes, vehicles, farms, roadsides, camp sites, railroads, etc. Any of the settings can be dangerous to the people performing the transfer as blood and other bodily fluids may be present, drug paraphernalia and uncapped needles may be exposed, and highly emotional, stressed and untrained people in attendance for this procedure.

- 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.

**RESPONSE:** The Transfer Care Specialist is authorized to perform the removal of a dead human body from the place of death and transport to a licensed funeral establishment. This will overlap with the current duties of a licensed mortician.

- e. Discuss the fiscal impact.

**RESPONSE:** The Mortuary Science Section at the Minnesota Department of Health is funded by licensing fees. The Transfer Care Specialist, when applying and registering with the Department of Health will pay the appropriate fee to fund the activities required of the Department of Health to provide the registration and oversight.

## **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?

**RESPONSE:** As current law requires a licensed mortician remove a dead body from a place of death and this proposal seeks to authorize Transfer Care Specialists to carry out this duty, the current requirements to become a licensed mortician are as follows:

- Be 21 years of age
- Education requirement:
  - o Bachelor of Science with a major in mortuary science from an accredited program, OR
  - o Bachelor of Science or Arts, and separate course of study from an accredited college of funeral service education, OR
  - o Complete credit hours that are the functional equivalent of a Bachelor of Science

or Arts, and separate course of study from an accredited college of funeral service education

- Pass the National Board Examination from the Conference of Funeral Service Examining Boards of the United States, Inc. (or other exam approved by the commissioner)
  - Pass the Minnesota laws and rules exam administered by the Department of Health
  - Complete a registered internship (2080 hours) under the direct supervision of a licensed mortician
    - o Complete 25 case reports in each of the following:
      - Embalming
      - Funeral arrangements
      - Funeral services
- 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?

**RESPONSE:** The preparation of current practitioners will not change. What will change is more individuals, without being required to meet licensing standards as a mortician, will be able to complete 7 hours of initial training and with the oversight of a licensed mortician, be able to carry out the task of body removal and transportation to a funeral establishment.

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

**RESPONSE:** Wisconsin recently passed a law that allows an “apprentice” to perform, assist, or observe different functions of a mortician. The Wisconsin law requires more training than this legislation proposes as it allows for the apprentice to perform removals, as well as assist a mortician in some other tasks.

### 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?

**RESPONSE:** Currently, licensed morticians may have unlicensed individuals assist them in making a removal as long as the unlicensed staff is in the physical presence of the licensed mortician. The proposed legislation would allow a registered Transfer Care Specialist to make a removal under the supervision of a licensed mortician, however, the licensed mortician would only need to be available to answer questions or concerns that come up by phone, they would not need to be physically present.

- 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.

**RESPONSE:** Minnesota Department of Health currently has oversight over Morticians and Licensed Funeral Establishments. This would not be changed. MDH would also have authority over the proposed Transfer Care Specialist as well as continued authority over the supervising mortician, and the licensed funeral establishment that employs the Transfer Care Specialist. MDH has provided technical assistance on the legislation and suggested language to be amended into the bill.

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

**RESEPNSE:** Morticians are currently required to complete 15 continuing education credits every two years with at least 9 of those credits in 3 different areas of competency, embalming/preparation of the body, laws and regulations, and professional practices. The balance of the continuing education credits can be in any area of competency related to funeral service. Under the proposal, a Transfer Care Specialist would be required to complete 7 hours of initial training, and MDH has suggested they be required to complete a smaller amount of continuing education as ongoing training.

**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.

**RESPONSE:** Registrants would complete a seven hour training program to educate them on the basics of performing removals. The training will include: ethical care and transportation procedures; health and safety concerns to the public and the individual performing the transfer of the deceased person, and the use of universal precautions and other reasonable precautions to minimize the risk of transmitting communicable diseases; and all relevant state and federal laws and regulations related to the transfer and transportation of deceased persons. The registrant would have a licensed mortician available to them as their supervisor. A licensed funeral establishment and the supervising mortician are responsible for any additional training needed based on the scenarios and locations that the registrant will make removals. The registrant, as well as the licensed funeral establishment and the supervising mortician, will be held accountable to any actions taken while making a removal.

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

**RESPONSE:** Yes. Due to Minnesota Department of Health oversight, Morticians and Licensed Funeral Establishments are held accountable to their actions; Transfer Care Specialists would be held to this same standard as would the supervising mortician and the licensed funeral establishment that employs the registrant.

**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?

**RESPONSE:** Not applicable.

- 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.

**RESPONSE:** Not applicable.

- 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?

**RESPONSE:** 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)?

**RESPONSE:** 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?

**RESPONSE:** Not applicable.

**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.

**RESPONSE:** There have not been discussions about evaluating the impact of the proposal. Separately, 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?

**RESPONSE:** The Minnesota Funeral Directors Association is supporting and advocating for this proposal. The Minnesota Funeral Directors Association represents more than 600 members across Minnesota.

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

**RESPONSE:** The Minnesota Funeral Directors Association is unaware of any other associations in the funeral profession who have weighed in on this proposal. MFDA has worked with the Department of Health and received their technical assistance in drafting.

- 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.

**RESPONSE:** Since this proposal was amended onto HF1888 / SF1847 during the 2022 legislative session, MFDA has not received feedback of any concern.

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

**RESPONSE:** MFDA worked with the University of Minnesota's School of Mortuary Science in their development of a workforce questionnaire/survey to evaluate the profession's feelings regarding removals by unlicensed individuals – this feedback helped to inform efforts in crafting the proposal to include training, supervision, and registration while allowing unlicensed individuals to make these removals, addressing an urgent need in funeral services.