

- SUBJECT:** Revising funeral director and embalmer licensing requirements
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Naishtat, Collier, Cortez, S. Davis, Guerra, S. King, Laubenberg, J.D. Sheffield, Zedler
- 0 nays
- 2 absent — Kolkhorst, Coleman
- WITNESSES:** For — Jack Fuqua; Daniel Gonzalez; Charles Hauboldt, Texas Funeral Directors Association; David Massey, Texas Funeral Directors Association; Darryl Thompson, Weed Corley Fish Funeral Home; Bill Vallie; Billy Wells, Geo. H. Lewis and Sons Funeral Directors; Gary Westerman, Texas Funeral Directors; (*Registered, but did not testify*: Sheri Elkins, Texas Funeral Director Association)
- Against — Jason Altieri; Jim Bates, Funeral Consumers Alliance of Texas; Chet Robbins; (*Registered, but did not testify*: Elton Anderson, Brenham Memorial Chapel)
- On — Felix Gonzales; Kevin Heyburn, Funeral Service Commission; Jose Luis Moreno
- BACKGROUND:** Occupations Code, sec. 651.302 requires the Texas Funeral Service Commission (TFSC) to issue a provisional license to practice funeral directing to an applicant who:
- is at least 18 years of age;
 - has graduated high school or otherwise passed an examination prescribed by the Texas Education Agency;
 - is enrolled in or graduated from a college of mortuary science;
 - is employed and under the personal supervision of a funeral director, defined as requiring the physical presence of a funeral director at the time and place a funeral service is provided; and
 - files an application with any associated application or license fee.

Requirements to issue a provisional license to practice embalming are

similar but do not require employment or personal supervision by an embalmer.

A provisional funeral director or embalmer is eligible to apply for a standard license if he or she has served for 12 consecutive months as a provisional license holder under the personal supervision of a funeral director or embalmer. The term of a provisional license program cannot exceed 24 consecutive months.

DIGEST: CSHB 1893 would modify requirements for becoming a certified funeral director or embalmer.

The bill would allow TFSC to issue a provisional license to practice funeral directing or embalming to an applicant who was employed and under the supervision of a funeral director or embalmer, even if the person was not enrolled in or had not graduated from a college of mortuary science.

The bill would revise the supervision requirement for provisional license holders. A provisional license holder could practice under a funeral director's or embalmer's personal supervision for six months. If the provisional license holder attained at least a 75 percent score on TFSC's Texas laws examination and an affidavit of proficiency from his or her supervisor, the provisional license holder would be allowed to practice under general supervision, requiring only the funeral director's or embalmer's presence on the premises.

CSHB 1893 would permit TFSC to extend by up to 12 months a provisional license holder's term should he or she request and receive an extension based on hardship. The bill would disallow any reinstatement of a provisional license canceled due to failure to timely pay the license renewal fee and penalty.

The bill would revoke terms limits for members of the TFSC.

CSHB 1893 would take effect September 1, 2013, and its requirements would apply only to provisional license applications filed on or after that date.

**SUPPORTERS
SAY:**

CSHB 1893 would increase the number of funeral directors and embalmers in Texas at a time when the funeral business is facing an

impending shortage of skilled mortuary professionals. Currently, the only route into this profession is by enrolling in a college of mortuary science to receive a provisional license. The bill would allow individuals to work as supervised provisional funeral directors and embalmers before attending mortuary school. With a lowered barrier to entering the industry, more people would gain access to the funeral business and pursue it as a career.

The bill also would provide more on-the-job flexibility in funeral homes by allowing provisional funeral directors and embalmers to work more independently in the second six-month period of their provisional licensure. Because they would have been under direct, personal supervision for six months, have passed a TFSC exam, and been legally vouched for by their supervisor, quality and integrity within the funeral home would not be sacrificed.

CSHB 1893 would improve the quality of funeral directors and embalmers by giving individuals a chance to experience the mortuary business before enrolling in a college of mortuary science and making a longer-term commitment. Those who were not disposed to this line of work would discover this sooner and could switch to a new career track with less disruption.

**OPPONENTS
SAY:**

CSHB 1893 would lower standards for funeral directors and embalmers, putting consumers at risk during a vulnerable time in their lives. Recent studies show funeral homes are rife with problems. A recent Gallup poll found only 44 percent of those polled rated the ethical standards of funeral home directors as high or very high. The Federal Trade Commission, which regulates funeral homes, found that 25 percent of funeral homes were in violation of consumer rules. Easing training standards and allowing provisional licensees to work in funeral homes without having received any mortuary schooling could increase these problems.

The bill also is unnecessary. There is no shortage of funeral directors or embalmers. The funeral home industry's main trade publication, "Memorial Business Journal," recently noted that the number of funeral program graduates had reached a nine-year high. CSHB 1893's main effect would be to produce a surplus of underqualified workers, depressing wages across the industry.