To: Vermont Licensed Embalmers and Interested Parties

From: Office of Professional Regulation

Date: July 15, 2022

Re: Guidance on Alternative Path to Licensure

*This memorandum explains plans to establish an alternative preparatory path to embalmer licensure, so that those interested in that path may begin preparing accordingly. For example, those interesting in pursuing the alternative path can enroll in compatible coursework or develop apprenticeship plans with supervising Vermont-licensed embalmers.*

The State faces significant workforce-development challenges, and these are felt acutely in the funeral-service industry. Fairly recent legislation has encouraged OPR to challenge excessive regulation and to open avenues to professional licensure that ensure practitioner competence without burdening aspiring professionals with years out of the marketplace or excessive student-loan debt. Policymakers also see a need to ensure that young Vermonters and those seeking mid-career changes of profession can enter new fields through accessible training. We can build a brighter future for the funeral service profession, and for the State, by finding ways for talented people to learn where they live from the qualified professionals around them. To that end, the Vermont General Assembly directed the Office to develop an apprenticeship-based path to funeral-director and embalmer licensure.

The Rule on Alternative Preparatory Path for Funeral Directors was effective in September 2019. The Office has since developed a draft Rule on Alternative Preparatory for Embalmers (“Rule”) following consultation with the Funeral Service Advisors and the Association. The Rule will be filed with the Interagency Committee on Administrative Rules, the first step in the public rulemaking process, in the near future.

Below is an excerpt from the draft Rule. Please note that an administrative rule has the force of law until it has gone through the public rulemaking process and is formally adopted. The Office cannot guarantee that the content of the Rule will be ultimately adopted. However, the Office wants aspiring embalmers and those who may serve as apprenticeship supervisors to know that such an alternative path to licensure will soon be available. *In practice, this means that an aspiring embalmer can begin certain coursework now with reasonable confidence that it will be recognized toward the requirements of licensure.*

Written feedback and suggestions regarding the draft Rule or other matters may be emailed to <mailto:sos.opr.comments@vermont.gov>. The rulemaking process is public, and once a proposed rule is filed, a public hearing will be held. Interested persons may participate in improving the rule and may offer suggestions or raise concerns.

**Administrative Rule on Alternative Preparatory Path**

**for Funeral Directors and Embalmers**

**Funeral Directors**

Pursuant to 26 V.S.A. §1252(a)(3), an applicant may qualify for a funeral director license without formal funeral-service schooling or CFSEB examination, by instead completing an Office approved preparatory program and examination. Participants shall apply for prior approval of a preparatory program, using forms supplied by the Office.

An approved program shall contain the following minimum elements:

1. **Education**. In the ten years prior to applying for licensure, the applicant shall have earned at least 26 collegiate credits from a regionally accredited institution of higher learning, or College Board CLEP credit, including coursework with a clear and dominant focus on
   1. The psychology of death and dying
   2. Human biology
   3. Introductory ethics
   4. Comparative religion
   5. Financial accounting to include internal controls and external reporting to service providers, merchandizers, and corporations
   6. Public speaking and effective communication
   7. Conflict resolution or mediation; and
   8. Business law
2. **Course Content** It is the burden of the applicant to demonstrate that courses offered in satisfaction of subpart (a) have a clear and dominant focus on the enumerated topics. The Director may require course syllabi and other supporting evidence where content is unclear.
3. **Approved Course Sequences**. College credit claimed under this rule may be derived from any qualified institution. The Office maintains a list of approved course sequences from qualified educational institutions. The approved course list can be found on the Office’s Funeral Service website.
4. **Networking and Continuing Education.** During the preparatory program, the applicant shall participate in the same ten hours of continuing professional education undertaken each biennium by all licensed funeral directors, shall earn these hours at live events in the company of practicing Vermont funeral directors, and shall demonstrate active engagement in professional and civic activities related to the practice of funeral service.
5. **Apprenticeship.** The applicant shall establish an Office-approved apprenticeship at a Vermont licensed funeral establishment, during which the applicant shall attain practical experience under the supervision of a Vermont-licensed funeral director.
   1. The applicant must document working at least 50 dispositions, competently exercising under supervision the essential responsibilities of a funeral director, including removal of the deceased from the place of death; service arrangement meeting with the family; gathering information and writing the obituary; completing the Statement of Goods and Services; completing the demographic information on the VT EDRS website; if requested, coordinating clergy, musicians, cemetery, burial vault, flowers, and reception; conducting the funeral or memorial service; securing permits for burial/cremation; notifying the Social Security Administration; and completing a follow-up visit with the family after services.
   2. The apprenticeship must specifically establish the applicant’s proficiency in:
      1. all aspects of the Vermont Mandatory Pre-need Contract, including rules for prepaid funeral funds pursuant to 26 VSA § 1272;
      2. VT Advanced Directive and COLST forms as well as using the Advanced Directive online database; iii. the FTC Funeral Services Rule;
      3. complete crematory operations from delivery of deceased through processing cremated remains, through documented onsite review;
      4. the use and function of funeral merchandise, including but not limited to caskets, urns, and burial vaults;
      5. practical application of Vermont statutes, rules, and probate procedures controlling disposition of human remains, including 18 V.S.A. § 5227; and
      6. practical application of professional standards and bases for unprofessional conduct set out in Vermont law and regulation.
   3. An apprenticeship supervisor must be a Vermont-licensed funeral director with at least three years of practice in good standing. The supervisor shall be responsible for timely, accurate, and complete filing of evaluative forms supplied by the Office. The Director may limit the number of apprentices a supervisor may oversee simultaneously.
6. **Examination.** An applicant shall pass a written examination, specified by the Director, addressing mortuary science, funeral practice, and laws and rules pertaining to the funeral industry.

**Embalmers**

Pursuant to 26 V.S.A. §1252(b)(3), an applicant may qualify for an embalmer license without formal funeral-service schooling or CFSEB examination, by instead completing an Office approved preparatory program and examination. Participants shall apply for prior approval of a preparatory program, using forms supplied by the Office.

An approved program shall contain the following minimum elements:

1. **Education.** In the ten years prior to applying for licensure, the applicant shall have earned at least 18 collegiate credits from a regionally accredited institution of higher learning, or College Board CLEP credit, including coursework with a clear and dominant focus on
   1. Introduction to embalming (human biology, or anatomy and physiology, as a prerequisite)
   2. Advanced embalming
   3. Embalming clinical
   4. Embalming chemistry
   5. Sanitary science; and
   6. Restorative art
2. **Course Content.** It is the burden of the applicant to demonstrate that courses offered in satisfaction of subpart (a) have a clear and dominant focus on the enumerated topics. The Director may require course syllabi and other supporting evidence where content is unclear.
3. **Approved Course Sequences**. College credit claimed under this rule may be derived from any qualified institution. The Office maintains a list of approved course sequences from qualified educational institutions. The approved course list can be found on the Office’s Funeral Service Website.
4. **Networking and Continuing Education.** During the preparatory program, the applicant shall participate in the same ten hours of continuing professional education undertaken each biennium by all licensed embalmers, shall earn these hours at live events in the company of practicing Vermont embalmers, and shall demonstrate active engagement in professional and civic activities related to the practice of funeral service.
5. **Apprenticeship.** The applicant shall establish an Office-approved apprenticeship at a Vermont licensed funeral establishment, during which the applicant shall attain practical experience under the supervision of a Vermont-licensed embalmer.
   1. The applicant must document competently exercising under supervision the essential responsibilities of an embalmer, including embalming or assisting in the embalming of at least 20 human bodies, which will include an autopsied individual, a bone and tissue donation, and viewing of an autopsy performed at a medical center by the pathology department.
   2. An apprenticeship supervisor must be a Vermont-licensed embalmer with at least three years of practice and in good standing. The supervisor shall be responsible for timely, accurate, and complete filing of evaluative forms supplied by the Office. The Director may limit the number of apprentices a supervisor may oversee simultaneously. In exceptional circumstances, the Director may authorize supervision by an embalmer licensed and practicing in a state or province bordering Vermont.
6. **Examination.** Two types of examination are required:
   1. Practical examination. An applicant shall pass a practical examination which will be administered by an institution of higher learning or a Vermont-licensed embalmer; both of which must be approved by the Office. The examiner shall not be the direct supervisor or employer of the apprentice taking the practical examination.
   2. Written examination. An applicant shall pass a written examination, specified by the Director, addressing laws and rules pertaining to embalming and the funeral industry.