

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

/S/Sarah Copeland Hanzas

(signature)

, on 7/19/2023

(date)

Printed Name and Title:

Sarah Copeland Hanzas, Secretary of State

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

22P026

3. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Noura Eltabbakh

Agency: Office of Professional Regulation

Mailing Address: 89 Main Street; 3rd Floor

Telephone: 802-828-2842 Fax:

E-Mail: noura.eltabbakh@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://sos.vermont.gov/funeral-service/statutes-rules-resources/>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Kelsi Alger

Agency: Office of Professional Regulation

Mailing Address: 89 Main Street; 3rd Floor

Telephone: 802-828-8191 Fax:

E-Mail: kelsi.alger@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

26 V.S.A. § 1252(b)(3) (granting rulemaking authority);
3 V.S.A § 801(11) (making the Secretary of State the
adopting authority for the Office of Professional
Regulation)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF
THE AGENCY:

The Director is granted authority by 26 V.S.A.
§1252(b)(3) to establish by rule, "...an alternative
pathway to licensure for individuals who have not
attended a school of funeral service but who have
demonstrated through an approved program of
apprenticeship and study the skills deemed necessary by
the Director to ensure competence as an embalmer." The
proposed rule accomplishes this task by providing for
an alternative pathway to licensure for embalmers. The
proposed rule will be added to an existing rule
providing for an alternative pathway for funeral
directors.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED
RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER
EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER
AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT
RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN
SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL
THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT
THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This is an amendment to the current Rule on Alternative
Preparatory Path for Funeral Directors that establishes a
program of apprenticeship and study for aspirants to
funeral director licensure who have not attended a
school of funeral service. The amendment to this rule
adds a program of apprenticeship and study for those

who seek to become a licensed embalmer. Additionally, minor revisions were made to the section of the rule pertaining to funeral directors. The number of credits for the required coursework topics in section (a) were removed in anticipation of the number of credits potentially changing in the future based on the specific college, university or career and technical school's requirements. In section (c) the specific Community College of Vermont course sequence with corresponding credits was removed to allow for future colleges, universities, and career and technical centers to create their own programs. Sections (a) and (c) of the embalmer section of the rule mirrors these revisions.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The proposed rule implements the intent of the General Assembly to establish an alternative path to licensure as an embalmer, consistent with 26 V.S.A. § 1252(b)(3), as enacted by Act 144, Sec. 15 (2017).

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

Amended rule text has been developed in partnership with practicing funeral directors, embalmers, stakeholders, educational institutions, and OPR staff, guided by the regulatory principles set out at Title 26, Chapter 57. Consultation with these parties provided the factual basis to determine the appropriate education needed by embalmers. The educational program set forth in the proposed rules reflects this factual basis.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Funeral directors; embalmers; funeral consumer groups; funeral homes; the Vermont Funeral Directors Association; regional colleges, universities, and career and technical centers in the funeral service industry; the Vermont Agency of Education; and the Vermont Department of Health.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

A positive impact may be felt by embalmers and funeral directors who avail themselves of the alternative preparatory path. These licensees will experience a

savings of \$285.00 by not taking the national exam and an approximate additional \$25,000 in savings by not taking the traditional embalmer schooling. Additional benefit will naturally flow to business owners and consumers as a result of improved access to the profession and therefore improved competition.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 11/29/2022

Time: 12:00 PM

Street Address:

Zip Code:

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDQyNTIxZWUtYjAxMS00YTFjLThiYjItMjYzZmU4MzZjZGZj%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%225692bd31-7f6d-4343-af2e-c35a1e66acd6%22%7d

Date: 12/5/2022

Time: 05:00 PM

Street Address:

Zip Code:

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDQyNTIxZWUtYjAxMS00YTFjLThiYjItMjYzZmU4MzZjZGZj%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%225692bd31-7f6d-4343-af2e-c35a1e66acd6%22%7d

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

7/18/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Embalmer; Funeral Director; Funeral Service; Alternative Preparatory Path to Licensure; Professional License; Licensure



State of Vermont
Office of the Secretary of State
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
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Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director

Sen. Trevor Squirrel, Chair
Legislative Committee on Administrative Rules
c/o Charlene Dindo, Committee Assistant
Vermont State House
Montpelier, Vermont 05602

July 18, 2023

Re: Final Proposed Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

Dear Chairman Squirrel and Committee Members,

Please find enclosed the final proposed Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers ("Rule"). These materials are also being filed with the Secretary of State today.

The final proposed Rule includes three changes to the Rule since the filing of the proposed rule:

1. In the "Funeral Directors" section, part (e)(2), subpart iii was combined with subpart ii (i.e., "ii. VT Advanced Directive and COLST forms as well as using the Advanced Directive online database; iii the FTC Funeral Services Rule"). The two subparts were separated, as follows:
 - ii. VT Advanced Directive and COLST forms as well as using the Advanced Directive online database;
 - iii. the FTC Funeral Services Rule
2. In the "Funeral Directors" section, part (e)(3), the words "and must be" was added between "...at least three years of practice" and "in good standing" so that it reads as follows:

"An apprenticeship supervisor must be a Vermont-licensed funeral director with at least three years of practice **and must be** in good standing."
3. In the "Embalmers" section, part (e)(1) was amended to include the clause "...in addition to those completed during the educational program described in subpart (a), herein." This change was made in response to a comment. The reason for the change is included in the responsiveness summary, attached to this filing. Part (e)(1) now reads:



State of Vermont
Office of the Secretary of State
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director


The applicant must document competently exercising under supervision the essential responsibilities of an embalmer which include embalming or assisting in the embalming of at least 20 human bodies in addition to those completed during the educational program described in subpart (a), herein. One of the bodies must be an autopsied individual, and one must be a bone and tissue donation. The applicant must also view an autopsy performed at a medical center by the pathology department.

Please note that accompanying this letter are the following documents:

1. APA filing forms;
2. The final proposed rule;
3. The final proposed rule showing amendments to the text since proposed;
4. Old Rule with Proposed Changes Shown
5. Written comments received;
6. A summary of substantial arguments, agency responses, and changes to the proposed rule; and
7. The ICAR minutes from September 12, 2022 showing approval.

I would be happy to answer any questions the Committee may have about the final proposed rule in advance of your next meeting. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

DocuSigned by:

15D3D715265440E...

Noura G. Eltabbakh, Staff Attorney
Vermont Office of Professional Regulation
(802) 828-2492
noura.eltabbakh@vermont.gov

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

19P036, Rule on Alternative Preparatory Path for Funeral Directors, September 2019



State of Vermont
Agency of Administration
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-2428

Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: September 12, 2022, virtually via Microsoft Teams

Members Present: Chair Douglas Farnham, Brendan Atwood, Diane Bothfeld, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski and Donna Russo-Savage

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the August 8, 2022 meeting
- Agenda approved as drafted with the following changes:
 - Added: Note: An emergency rule titled 'Emergency Administrative Rules for Notaries Public and Remote Notarization' from the Secretary of State, Office of Professional Regulation, was supported by ICAR Chair Farnham on September 9, 2022.
 - These Emergency Rules define the "personal appearance" requirement for remote notarial acts conducted through a secure audio-visual communication link.
 - Removed: HazMat Transportation & Motor Carrier Safety Standards, Agency of Transportation, Department of Motor Vehicles
 - Rules 55-001 & 50-036 provide authority to enforce Federal Regulations through state law for commercial vehicles & transportation of hazardous materials.
- No public comments.
- Presentation of Proposed Rules on pages 2-4 to follow.
 1. Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers, Secretary of State, Office of Professional Regulation, page 2
 2. Administrative Rules for Notary Public Continuing Education, Secretary of State, Office of Professional Regulation, page 3
 3. Vermont Wetland Rules, Agency of Natural Resources, page 4
- Note: Diane Sherman left at 3:30 PM.
- Process Improvement discussion delayed due to in-house considerations, including the potential for a future change in the role of ICAR Chair.
- Next scheduled meeting is Monday, October 10, 2022 at 2:00 p.m.
- 3:59 p.m. meeting adjourned.



Proposed Rule: Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers, Secretary of State, Office of Professional Regulation

Presented By: Kassandra Diederich

Motion made to accept the rule by Brendan Atwood, seconded by John Kessler, and passed unanimously, with the following recommendations:

1. Economic Impact Analysis: Only include costs and benefits. Clearly define economic impacts and include details on costs to understand impact. Articulate that the shortage isn't because of an increase in demand and it's the declining number of people entering the profession.
2. Public Input Maximization Plan: Remove specific reference to CCV and generalize it.
3. Rule Text, 'EMBALMERS (e)(1): Clarify language to truly state the intent.

DRAFT



Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Office will email a notice and an invitation to comment on the proposed rule to all licensees in the field, as well as the known interested parties identified in #4 below. Notice will also be provided via newspapers of record and the Secretary's Rule Service: <https://secure.vermont.gov/SOS/rules/>. The proposed revised rule will also be posted on the Office of Professional Regulation's Funeral Service website: <https://sos.vermont.gov/funeral-service/>.

This proposed rule was developed by OPR and the appointed Funeral Service Advisors. OPR also engaged in collaborative discussions with stakeholders. The Vermont Funeral Directors Association, which represents every known marketplace participant in the State, has been and will continue to be an important partner in ensuring that all affected businesses and embalmers are aware of the proposed rule. Their outreach will include information about the opportunities created by the

Public Input

proposed rule to enter the field and the opportunities to become licensed as an embalmer at a reduced cost. A New England community college has already prepared a certificate program based upon the proposed rule text.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

All affected applicants and licensees including funeral directors and embalmers; the Vermont Funeral Directors Association; funeral consumer groups; Vermont Agency of Education; Vermont Department of Health; and universities, colleges and career and technical centers in the funeral service industry.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

1) Embalmers - individuals qualifying for licensure as an embalmer under this rule are expected to pay net tuition of \$10,000.00 compared to an estimated tuition of \$35,000 for out-of-state funeral service schools as there are no Vermont funeral service schools for aspiring embalmers. There will be an additional cost

savings of \$285.00 by not taking the national embalmer exam. 2) Funeral consumer groups - this rule has the potential to increase the number of licensed embalmers in the state to meet the shortage due to the declining number of people entering into the profession. 3) Funeral homes and funeral directors - may substantially reduce overhead costs and may benefit from the opportunity to train personnel to become licensed embalmers. 4) Regional colleges, universities, and career and technical centers in the funeral service industry - this rule may result in the creation of in-state embalmer certification programs which would bring in additional revenue for the educational facilities.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

By establishing a Vermont-based path to licensure as an embalmer, this rule may facilitate alignment between State licensing requirements and the offerings available from career & technical centers. No fiscal impact is expected to schools, local districts, or municipal taxpayers.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

The proposed rule has no economic impact on the schools and, therefore, there is nothing to compare with alternative proposals.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

This proposed rule may substantially reduce overhead costs for Vermont funeral homes and may relieve labor-supply constraints incident to a shortage of young Vermonters entering the funeral service industry.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

This proposed rule imposes no mandatory requirements upon funeral homes or other small businesses. Rather, funeral homes may benefit from the opportunity to train personnel to become licensed embalmers. Consequently, the agency finds that is not appropriate to evaluate the burden on small businesses of complying with the proposed rule.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Without this rule, tuition burdens to aspiring embalmers are estimated to be \$35,000.00. Individuals qualifying for licensure as an embalmer under this rule are expected to pay net tuition of \$10,000.00. Additionally, there will be a cost savings of \$285.00 by not taking the national embalmer exam. Finally, there are no funeral services schools in Vermont offering the required education for embalmer licensing. The alternative path set forth in the proposed rule will provide Vermonters with an opportunity to obtain an embalmer license and, in turn practice as an embalmer, without traveling out-of-state for two years to complete the required education.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

10. This analysis is offered based upon the best information available from relevant stakeholders. Though we do not have a scientific means of establishing the magnitude of savings to aspiring embalmers and funeral homes as a result of this rule, it is certain that both will benefit economically given the student-debt burden and the need to seek education outside Vermont which are

substantial deterrents to prospective entrants to
the funeral-service profession.



Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers

2. ADOPTING AGENCY:

Secretary of State, Office of Professional Regulation

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

None

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

None

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

None

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
None

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
None

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
Inapplicable, as no impacts are anticipated.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
Inapplicable, as no impacts are anticipated.

Responsiveness Summary
Final Proposed Administrative Rules for Notary Public Continuing Education

The following substantial arguments were heard for and against the proposed rule and addressed by the Office in the manner explained.

Original comment text follows this summary. Video of spoken comments is available upon request.

Rule Section	Comment	Agency Response	Commenter
Full Rule	Commenter expressed support for the proposed rules, stating that the proposed alternative path to funeral director and embalmer licensure is "impactful, innovative, progressive, and beneficial."	No changes were made.	Christopher Palermo
Question	Commenter asked if there had been any discussion with New Hampshire to align the proposed Vermont rules with New Hampshire's processes.	No changes were made. The Office noted that the proposed alternative pathway allows graduates to get licensed in Vermont but may still not be accepted by other states that only allow licensure for people who have completed the traditional training pathway. The traditional pathway to licensure is still available in Vermont for those students who wish to work in multiple states. Finally, 26 V.S.A. § 1216(b) allows cross-border performance of funeral director duties by someone licensed in another state if that other state allows Vermont licensees to work in that state. The Office can reach out to New Hampshire to discuss this statute and	Buddy Phaneuf

		potential reciprocity. Ultimately, however, New Hampshire gets to decide who practices in that state.	
General	Commenter expressed support for the program because it provides a pathway for younger people to join the field.	No changes were made.	Chris Thrane
Embalmers, Part (e)(1)	Commenter noted that the rule should require apprentices to embalm or assist in the embalming of at least 20 human bodies <i>outside</i> of the educational programs. The commenter noted that students often practice embalming during a program but that apprentices should also be required to practice embalming on human bodies outside of the educational program.	The Office and those stakeholders present at the public hearing agreed that the commenter's proposed change accurately reflected the intent of the rules that embalming apprenticeships assist in or embalm at least 20 of human bodies outside of the educational program. The phrase "...in addition to those completed during the educational program described in subpart (a), herein." was added to Part (e)(1) to clarify this intent. The final part now reads (in part): "The applicant must document competently exercising under supervision the essential responsibilities of an embalmer which include embalming or assisting in the embalming of at least 20 human bodies in addition to those completed during the educational program described in subpart (a), herein."	Christopher Palermo

From: [Chris Palermo](#)
To: [SOS - OPR Comments](#)
Subject: Vermont Embalmer Program
Date: Tuesday, November 29, 2022 10:32:27 AM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

The proposed rule for the new pathway to become a Vermont licensed embalmer is the next best step to ensuring that funeral service providers can continue to mentor, employ, and assist in the education of potential home-grown employees.

The new pathway to becoming a funeral director has shown conclusively that this method of combining online college level courses, experienced based education, the ability to be employed, all at a fraction of the cost of a traditional funeral program is a win-win for the student apprentice and the employer. By now offering an embalming pathway, this makes it possible for a complete education in funeral service here in the state of Vermont. This is a first in the nation education program that addresses the affordability of funeral service education, the convenience of online courses, and the difficulty in finding, training, and retaining a finite pool of qualified student graduates.

As a 41-year practicing funeral director and funeral home owner, I can think of no better program that is as impactful, innovative, progressive, and beneficial to funeral service.

Best regards,
Chris Palermo

Rule on Alternative Preparatory Path for Funeral Directors and Embalmers

FUNERAL DIRECTORS

Pursuant to 26 V.S.A. § 1252(a)(31)(A), 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:

- (a) **Education.** In the ten years ~~preceding application~~ 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 ~~(3 credits)~~;
 2. human biology ~~(3 credits)~~;
 3. introductory ethics ~~(3 credits)~~;
 4. comparative religion ~~(3 credits)~~;
 5. financial accounting, to include internal controls and external reporting to service providers, merchandizers, and corporations ~~(4 credits)~~;
 6. public speaking and effective communication ~~(3 credits)~~;
 7. conflict resolution or mediation ~~(3 credits)~~; and
 8. business law ~~(4 credits)~~.
- (b) **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.
- (c) **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.
~~The following Community College of Vermont course sequence has been determined to fully satisfy subpart (a) standards:~~
1. — PSY 2130 Death & Dying
 2. — BIO 1140 Human Biology
 3. — PHI 1040 Introduction to Ethics

Rule on Alternative Preparatory Path for Funeral Directors and Embalmers

4. ~~PHI 2010 Comparative Religion~~
5. ~~INT 1050 Dimensions of Self & Society~~
6. ~~ACC 2121 Financial Accounting~~
7. ~~ENG 1070 Effective Speaking~~
8. ~~COM 2360 Conflict Resolution~~
9. ~~BUS 2450 Business Law~~

(d) **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.

Rule on Alternative Preparatory Path for Funeral Directors and Embalmers

- (e) **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:
 - i. all aspects of the Vermont Mandatory Pre-need Contract, including rules for prepaid funeral funds pursuant to 26 V.S.A. § 1272;
 - ii. VT Advanced Directive and COLST forms as well as using the Advanced Directive online database;
 - ~~iii.~~ ~~the FTC Funeral Services Rule;~~
 - ~~iv.~~ complete crematory operations from delivery of deceased through processing cremated remains, through documented onsite review;
 - ~~v.~~ the use and function of funeral merchandise, including but not limited to caskets, urns, and burial vaults;
 - ~~vi.~~ practical application of Vermont statutes, rules, and probate procedures controlling disposition of human remains, including 18 V.S.A. § 5227;
 - ~~vii.~~ 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 and must be 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.
- (f) **Examination.** ~~The applicant shall be satisfactorily examined as to his or her knowledge of funeral practice. The Office may administer its own examination or may designate as an acceptable qualifying examination one or more assessments administered by a Vermont institution of higher learning, technical education program, or professional association. The applicant shall be satisfactorily examined in Vermont jurisprudence.~~ 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.

Rule on Alternative Preparatory Path for Funeral Directors and Embalmers

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:

(a) **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
6. Restorative art

(b) **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.

(c) **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.

(d) **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.

(e) **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.

Rule on Alternative Preparatory Path for Funeral Directors and Embalmers

1. The applicant must document competently exercising under supervision the essential responsibilities of an embalmer which include embalming or assisting in the embalming of at least 20 human bodies in addition to those completed during the educational program described in subpart (a), herein. One of the bodies must be an autopsied individual, and one must be a bone and tissue donation. The applicant must also view 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.

(f) Examination. Two types of examination are required:

1. Practical examination. This examination 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.

Rule on Alternative Preparatory Paths 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:

(a) **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

(b) **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.

(c) **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.

(d) **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.

(e) **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:
 - i. all aspects of the Vermont Mandatory Pre-need Contract, including rules for prepaid funeral funds pursuant to 26 VSA § 1272;
 - ii. VT Advanced Directive and COLST forms as well as using the Advanced Directive online database;
 - iii. the FTC Funeral Services Rule;
 - iv. complete crematory operations from delivery of deceased through processing cremated remains, through documented onsite review;
 - v. the use and function of funeral merchandise, including but not limited to caskets, urns, and burial vaults;
 - vi. practical application of Vermont statutes, rules, and probate procedures controlling disposition of human remains, including 18 V.S.A. § 5227; and
 - vii. 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 and must be 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.

(f) **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:

(a) **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

(b) **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.

(c) **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.

(d) **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.

(e) **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 which include embalming or assisting in the embalming of at least 20 human bodies in addition to those completed during the educational program described in subpart (a), herein. One embalmed body must

be an autopsied individual, and one must be a bone and tissue donation. The applicant shall also view 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.

(f) **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.

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Title 26 : Professions And Occupations

Chapter 021 : Funeral Services

Subchapter 002 : Licenses

(Cite as: 26 V.S.A. § 1252)

[Effective until January 1, 2023.]

§ 1252. Application; qualifications

(a) Funeral director.

(1) Any person holding a high school certificate or its equivalent shall be entitled to take an examination as a funeral director provided that he or she has:

(A) graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than two academic years, or graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than one academic year or its equivalent as determined by the Director, with 30 additional credit hours in subjects approved by the Director and obtained in a college or university approved by the Director;

(B) completed a traineeship of 12 months of full-time employment or its equivalent under the direct supervision of a person duly licensed for the practice of funeral service within a licensed funeral establishment not connected with a school. The duration of the traineeship and the work performed shall be verified by affidavit as required by the Director; and

(C) submitted a written application and the required application fee.

(2) The Director may waive the educational and traineeship requirements for examination as a funeral director, provided the applicant possesses a valid license from another state with licensure requirements substantially similar to those required by this chapter.

(3) Notwithstanding the provisions of subdivision (1)(A) of this subsection, the Director may by rule prescribe an alternative pathway to licensure for individuals who have not attended a school of funeral service but who have demonstrated through an approved program of apprenticeship and study the skills deemed necessary by the Director to ensure competence as a funeral director.

(b) Embalmer.

(1) Any person holding a high school certificate or its equivalent shall be entitled to take an examination in embalming provided that he or she has:

(A) graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than two academic years, or graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than one academic year or its equivalent as determined by the Director, with 30 additional credit hours in subjects approved by the Director and obtained in a college or university approved by the Director;

(B) served a traineeship of 12 months of full-time employment or its equivalent under the direct supervision of a person duly licensed for the practice of funeral service, within a licensed funeral establishment not connected with a school. The duration of the traineeship and the work performed shall be verified by affidavit as required by the Director; and

(C) submitted a written application and the required application fee.

(2) The Director may waive the educational and traineeship requirements for examination as an embalmer, provided the applicant possesses a valid license from another state with licensure requirements substantially similar to those required by this chapter.

(3) Notwithstanding the provisions of subdivision (1)(A) of this subsection, the Director may by rule prescribe an alternative pathway to licensure for individuals who have not attended a school of funeral service but who have demonstrated through an approved program of apprenticeship and study the skills deemed necessary by the Director to ensure competence as an embalmer.

(c) Funeral establishment.

(1) A person, partnership, association, or other organization desiring to operate a funeral establishment, shall apply, in writing, to the Director for a license. The applicant, if a corporation, partnership, association, or other organization, must have a manager or co-owner who is a licensed funeral director.

(2) The application for a license shall be sworn to by the individual, a partner, or a duly authorized officer of a corporation, and shall be on the form prescribed and furnished by the Director, and the applicant shall furnish such information as required by the Director by rule. The application shall be accompanied by a licensing fee.

(d) Crematory establishment.

(1) A person, partnership, corporation, association, or other organization desiring to operate a crematory establishment shall apply, in writing, to the Director for a license. The applicant, if a partnership, corporation, association, or other organization, must have

a designated manager or co-owner who is responsible for the operation of the establishment and who is registered with the Office under subsection (e) of this section.

(2) The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the Director, and the applicant shall furnish information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) Crematory personnel.

(1) Any person who desires to engage in direct handling, processing, identification, or cremation of dead human remains within a licensed crematory establishment shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed crematory establishment.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Director.

(f) Removal personnel.

(1) Any person who desires to engage in removals shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral or crematory establishment, or the University of Vermont for removals related to the University's anatomical gift program.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the Director.

(3) Registrants under this subsection are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals so long as they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Director may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are authorized to perform only disposition services without arranging, directing, or performing embalming, public viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection include direct cremation, direct alkaline hydrolysis, immediate burial, or direct green burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services so long as the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser. (Amended 1959, No. 224, § 5; 1969, No. 239 (Adj. Sess.), § 12; 1971, No. 184 (Adj. Sess.), § 18, eff. March 29, 1972; 1973, No. 236 (Adj. Sess.), § 4; 1989, No. 250 (Adj. Sess.), § 35; 2001, No. 151 (Adj. Sess.), § 15, eff. June 27, 2002; 2005, No. 27, § 41; 2009, No. 35, § 18; 2013, No. 138 (Adj. Sess.), § 6; 2017, No. 48, § 11; 2017, No. 144 (Adj. Sess.), § 15; 2019, No. 178 (Adj. Sess.), § 6, eff. Oct. 1, 2020.)

[Effective January 1, 2023.]

§ 1252. Application; qualifications

(a) Funeral director.

(1) Any person holding a high school certificate or its equivalent shall be entitled to take an examination as a funeral director provided that he or she has:

(A) graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than two academic years, or graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than one academic year or its equivalent as determined by the Director, with 30 additional credit hours in subjects approved by the Director and obtained in a college or university approved by the Director;

(B) completed a traineeship of 12 months of full-time employment or its equivalent under the direct supervision of a person duly licensed for the practice of funeral service within a licensed funeral establishment not connected with a school. The duration of the traineeship and the work performed shall be verified by affidavit as required by the Director; and

(C) submitted a written application and the required application fee.

(2) The Director may waive the educational and traineeship requirements for examination as a funeral director, provided the applicant possesses a valid license from another state with licensure requirements substantially similar to those required by this chapter.

(3) Notwithstanding the provisions of subdivision (1)(A) of this subsection, the Director may by rule prescribe an alternative pathway to licensure for individuals who

have not attended a school of funeral service but who have demonstrated through an approved program of apprenticeship and study the skills deemed necessary by the Director to ensure competence as a funeral director.

(b) Embalmer.

(1) Any person holding a high school certificate or its equivalent shall be entitled to take an examination in embalming provided that he or she has:

(A) graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than two academic years, or graduated from a school of funeral service accredited or approved by the American Board of Funeral Service Education in a course of instruction of not less than one academic year or its equivalent as determined by the Director, with 30 additional credit hours in subjects approved by the Director and obtained in a college or university approved by the Director;

(B) served a traineeship of 12 months of full-time employment or its equivalent under the direct supervision of a person duly licensed for the practice of funeral service, within a licensed funeral establishment not connected with a school. The duration of the traineeship and the work performed shall be verified by affidavit as required by the Director; and

(C) submitted a written application and the required application fee.

(2) The Director may waive the educational and traineeship requirements for examination as an embalmer, provided the applicant possesses a valid license from another state with licensure requirements substantially similar to those required by this chapter.

(3) Notwithstanding the provisions of subdivision (1)(A) of this subsection, the Director may by rule prescribe an alternative pathway to licensure for individuals who have not attended a school of funeral service but who have demonstrated through an approved program of apprenticeship and study the skills deemed necessary by the Director to ensure competence as an embalmer.

(c) Funeral establishment.

(1) A person, partnership, association, or other organization desiring to operate a funeral establishment, shall apply, in writing, to the Director for a license. The applicant, if a corporation, partnership, association, or other organization, must have a manager or co-owner who is a licensed funeral director.

(2) The application for a license shall be sworn to by the individual, a partner, or a duly authorized officer of a corporation, and shall be on the form prescribed and furnished by the Director, and the applicant shall furnish such information as required by the Director by rule. The application shall be accompanied by a licensing fee.

(d) Disposition facility.

(1) A person, partnership, corporation, association, or other organization desiring to operate a disposition facility shall apply, in writing, to the Director for a license. The applicant, if a partnership, corporation, association, or other organization, must have a designated manager or co-owner who is responsible for the operation of the disposition facility and who is registered with the Office under subsection (e) of this section.

(2) The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the Director, and the applicant shall furnish information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) Disposition facility personnel.

(1) Any person who desires to engage in direct handling, processing, identification, cremation, alkaline hydrolysis, or natural organic reduction of dead human remains within a licensed disposition facility shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed disposition facility.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Director.

(f) Removal personnel.

(1) Any person who desires to engage in removals shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral establishment or disposition facility or the University of Vermont for removals related to the University's anatomical gift program.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the Director.

(3) Registrants under this subsection are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals, provided they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Director may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are

authorized to perform only disposition services without arranging, directing, or performing embalming, public viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection include direct cremation, direct alkaline hydrolysis, direct natural organic reduction, immediate burial, or direct natural burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services, provided the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser. (Amended 1959, No. 224, § 5; 1969, No. 239 (Adj. Sess.), § 12; 1971, No. 184 (Adj. Sess.), § 18, eff. March 29, 1972; 1973, No. 236 (Adj. Sess.), § 4; 1989, No. 250 (Adj. Sess.), § 35; 2001, No. 151 (Adj. Sess.), § 15, eff. June 27, 2002; 2005, No. 27, § 41; 2009, No. 35, § 18; 2013, No. 138 (Adj. Sess.), § 6; 2017, No. 48, § 11; 2017, No. 144 (Adj. Sess.), § 15; 2019, No. 178 (Adj. Sess.), § 6, eff. Oct. 1, 2020; 2021, No. 169 (Adj. Sess.), § 23, eff. January 1, 2023.)

The Vermont Statutes Online

Title 3 : Executive

Chapter 025 : Administrative Procedure

Subchapter 001 : General Provisions

(Cite as: 3 V.S.A. § 801)

§ 801. Short title and definitions

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

(1) “Agency” means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) “Contested case” means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) “License” includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) “Licensing” includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) “Procedure” means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

(10) "Incorporation by reference" means the use of language in the text of a regulation that expressly refers to a document other than the regulation itself.

(11) "Adopting authority" means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) "Small business" means a business employing no more than 20 full-time

employees.

(13)(A) “Arbitrary,” when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court’s application of “arbitrary” in , 2006 VT 65, and , 154 Vt. 596 (1990).

(14) “Guidance document” means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency’s current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) “Index” means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Dec 13, 2022

Please submit comments to the agency or primary contact person listed below, before the deadline.

Rule Details

Rule Number:	22P026
Title:	Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers.
Type:	Standard
Status:	Proposed
Agency:	Board of Funeral Services
Legal Authority:	26 V.S.A. § 1252(b)(3); and 3 V.S.A § 801(11).
Summary:	This is an amendment to the current Rule on Alternative Preparatory Path for Funeral Directors that establishes a program of apprenticeship and study for aspirants to funeral director licensure who have not attended a school of funeral service. The amendment to this rule adds a program of apprenticeship and study for those who seek to become a licensed embalmer. Additionally, minor revisions were made to the section of the rule pertaining to funeral directors. The number of credits for the required



coursework topics in section (a) were removed in anticipation of the number of credits potentially changing in the future based on the specific college, university or career and technical school's requirements. In section (c) the specific Community College of Vermont course sequence with corresponding credits was removed to allow for future colleges, universities, and career and technical centers to create their own programs. Sections (a) and (c) of the embalmer section of the rule mirrors these revisions.

Persons Affected:

Funeral directors; embalmers; funeral consumer groups; funeral homes; the Vermont Funeral Directors Association; regional colleges, universities, and career and technical centers in the funeral service industry; the Vermont Agency of Education; and the Vermont Department of Health.

Economic Impact:

A positive impact may be felt by embalmers and funeral directors who avail themselves of the alternative preparatory path. These licensees will experience a savings of \$285.00 by not taking the national exam and an approximate additional \$25,000 in savings by not taking the traditional embalmer schooling. Additional benefit will naturally flow to business owners and consumers as a result of improved access to the profession and therefore improved competition.

Posting date:

Oct 26,2022

Hearing Information

Information for Hearing # 1

Hearing date:

12-05-2022 5:00 PM

[ADD TO YOUR CALENDAR](#)
Location:

City Center

Address:

89 Main Street, 3rd Floor

City:

Montpelier

State:

VT

Zip:

05620-3602

Hearing Notes:

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary

Name: Lauren Layman

Agency: Office of Professional Regulation, Office of the Secretary of State

Address: 89 Main Street, 3rd Floor

City: Montpelier



State: VT
Zip: 05620-3402
Telephone: 802-828-2883
Fax:
Email: lauren.layman@vermont.gov

[SEND A COMMENT](#)

Website Address: <https://sos.vermont.gov/funeral-service/statutes-rules-resources/>

[VIEW WEBSITE](#)

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
Name: Kelsi Alger
Agency: Office of Professional Regulation, Office of the Secretary of State
Address: 89 Main Street, 3rd Floor
City: Montpelier
State: VT
Zip: 05620-3402
Telephone: 802-828-2191
Fax:
Email: kelsi.alger@vermont.gov

[SEND A COMMENT](#)

Keyword Information

Keywords:

- Embalmer
- Funeral Director
- Funeral Service
- Alternative Preparatory Path to Licensure
- Professional License
- Licensure

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(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

Primary Contact: Lauren Layman, Office of Professional Regulation, 89
Main St., Montpelier, VT 05620-3402 Tel: 802-828-2883
Email: lauren.layman@vermont.gov

Secondary Contact: Kelsi Alger, Secretary of State, Office of
Professional Regulation, 89 Main Street, 3rd Floor,
Montpelier Vermont, 05620-3402 Tel: 802-828-2191
Email: kelsi.alger@vermont.gov.

URL: <https://sos.vermont.gov/funeral-service/statutes-rules-resources/>

From: APA Coordinator, VSARA

RE: Rule on Alternative Preparatory Paths for Funeral Directors and
Embalmers.

Date 10/20/2022

We received Proposed Rule on 10/20/2022
Final Proposed Rule on
Adopted Rule on

We have assigned the following rule number(s):

Proposed Rule Number: 22P026

Adopted Rule Number:

(Final Proposals are not assigned a new number; they retain
the Proposed Rule Number.)

The following problems were taken care of by phone/should be
taken care of immediately:

We cannot accept this filing until the following problems
are taken care of:

The notice for this proposed rule appeared/will appear
online on: 10/26/2022 and in the newspapers of record on 11/3/2022.

This rule takes effect on
Adoption Deadline: 06/20/2023

Please note:

If you have any questions, please call me at 828-2863. OR
E-Mail me at: sos.statutoryfilings@vermont.gov

cc: Charlene Dindo



OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION (VSARA)
(802) 828-3700

TO: Seven Days Legals (legals@sevendaysvt.com) Katie Hodges (khodges@sevendaysvt.com)	Tel: (802) 865-1020 x110. Attn: Kaitlin
The Caledonian Record Julie Poutré (adv@caledonian-record.com)	Tel: 748-8121 FAX: 748-1613
Times Argus / Rutland Herald Melody Hudson (classified.ads@rutlandherald.com) Elizabeth Marrier (elizabeth.marrier@rutlandherald.com)	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
The Valley News (advertising@vnews.com)	Tel: 603-298-8711 FAX: 603-298-0212
The Addison Independent (legals@addisonindependent.com)	Tel: 388-4944 FAX: 388-3100 Attn: Display Advertising
The Bennington Banner / Brattleboro Reformer Lylah Wright (lwright@reformer.com)	Tel: 254-2311 ext. 132 FAX: 447-2028 Attn: Lylah Wright
The Chronicle (ads@bartonchronicle.com)	Tel: 525-3531 FAX: 525-3200
Herald of Randolph (ads@ourherald.com)	Tel: 728-3232 FAX: 728-9275 Attn: Brandi Comette
Newport Daily Express (ilafoe@newportvermontdailyexpress.com)	Tel: 334-6568 FAX: 334-6891 Attn: Jon Lafoe
News & Citizen (mike@stowereporter.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Bryan
St. Albans Messenger Ben Letourneau (ben.letourneau@samessenger.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Ben Letourneau
The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: October 25, 2022

RE: The "Proposed State Rules " ad copy to run on

November 3, 2022

PAGES INCLUDING THIS COVER MEMO:

3

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday, etc. please contact VSARA at 802-828-3700 or E-Mail sos.statutoryfilings@vermont.gov, Thanks.



PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Administrative Rules of the Board of Nursing.

Vermont Proposed Rule: 22P025

AGENCY: Board of Nursing

CONCISE SUMMARY: This strike-and-rewrite update to the Administrative Rules of the Board of Nursing reflects substantial changes in the legal and practice landscape since the last rule update in January 2015. The rule minimizes administrative burdens, conforms to license uniformity and streamlining legislation in Title 3, and provides for the administration of the Nurse Licensure Compact (NLC), to which Vermont became a party state in February 2022. The rule articulates clear nursing practice standards, completing a multi-year effort by the Board and its Practice Committee to refine a body of non-rule position statements, retire those that were dated or unnecessary, and incorporate into rule those that were seen to warrant retention. Finally, the rule adds more flexible avenues by which to demonstrate ongoing nursing competency, ending exclusive reliance on practice hours.

FOR FURTHER INFORMATION, CONTACT: Gabriel Gilman, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier Vermont, 05620-3402 Tel: (802)828-2492 Email: gabriel.gilman@vermont.gov URL: <https://sos.vermont.gov/nursing/statutes-rules-resources/>.

FOR COPIES: Kelsi Alger, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier Vermont, 05620-3402 Tel: 802-828-2191 Email: kelsi.alger@vermont.gov.

Rule on Alternative Preparatory Paths for Funeral Directors and Embalmers.

Vermont Proposed Rule: 22P026

AGENCY: Board of Funeral Services

CONCISE SUMMARY: This is an amendment to the current Rule on Alternative Preparatory Path for Funeral Directors that establishes a program of apprenticeship and study for aspirants to funeral director licensure who have not attended a school of funeral service. The amendment to this rule adds a program of apprenticeship and study for those who seek to become a licensed embalmer. Additionally, minor revisions



were made to the section of the rule pertaining to funeral directors. The number of credits for the required coursework topics in section (a) were removed in anticipation of the number of credits potentially changing in the future based on the specific college, university or career and technical school's requirements. In section (c) the specific Community College of Vermont course sequence with corresponding credits was removed to allow for future colleges, universities, and career and technical centers to create their own programs. Sections (a) and (c) of the embalmer section of the rule mirrors these revisions.

FOR FURTHER INFORMATION, CONTACT: Lauren Layman, Office of Professional Regulation, 89 Main St., Montpelier, VT 05620-3402 Tel: 802-828-2883 Email: lauren.layman@vermont.gov URL: <https://sos.vermont.gov/funeral-service/statutes-rules-resources/>.

FOR COPIES: Kelsi Alger, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier Vermont, 05620-3402 Tel: 802-828-2191 Email: kelsi.alger@vermont.gov.

Administrative Rules for Notary Public Continuing Education.

Vermont Proposed Rule: 22P027

AGENCY: Secretary of State, Office of Professional Regulation

CONCISE SUMMARY: The proposed rule requires that notaries public complete one hour (60 minutes) of continuing education related to the Vermont laws and requirements for performing notarial acts every two years. The completion of the course is required for a notary public to renew their commission. The notary public course may be offered in many different formats.

FOR FURTHER INFORMATION, CONTACT: Lauren Layman, Office of Professional Regulation, 89 Main St., Montpelier, VT 05620-3402 Tel: 802-828-2883 Email: lauren.layman@vermont.gov URL: <https://sos.vermont.gov/notaries-public/statutes-rules-resources/>.

FOR COPIES: Kelsi Alger, Secretary of State, Office of Professional Regulation, 89 Main Street, 3rd Floor, Montpelier Vermont, 05620-3402 Tel: 802-828-2191 Email: kelsi.alger@vermont.gov.

