

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Embalmers and Funeral Directors TITLE NUMBER: 6

CITE AUTHORITY: 30-6-1 et. seq.

AMENDMENT TO AN EXISTING RULE: YES NO

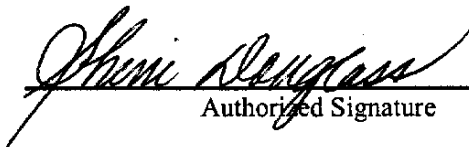
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: General provisions (repeal and replace)

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

6CSR1

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TITLE 6
LEGISLATIVE RULE
BOARD OF EMBALMERS AND FUNERAL DIRECTORS

FEB 26 10 57 AM '01

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
GENERAL PROVISIONS

§6-1-1. General.

1.1. Scope. - This rule relates to the licensing and conduct of embalmers and funeral directors and funeral establishments.

1.2. Authority. - WV Code §30-6-3.

1.3. Filing Date. -.

1.4. Effective Date. -

1.5. Repeal of Former Rule. - This rule repeals and replaces Title 6 Legislative Rules, Board of Embalmers and Funeral Directors, Series 1, Rules of the West Virginia Board of Embalmers and Funeral Directors, 6 CSR 1, filed June 12, 1994.

§6-1-2. Definitions. For purposes of this rule, the following terms have the following meaning unless the context in which they are used requires a different meaning.

2.1. "Advertise" and "advertising" means the use of radio, television, billboards, stationery, contracts, price lists, calendars, fans and novelty advertising, or any other advertising method or medium.

2.2. "Arrangements conference" means the time spent with the next-of-kin, or other duly or legally authorized person, planning and making financial arrangements for the funeral services, embalming, or final disposition of a dead human body.

2.3. "Basic services fee" means charges for the services of the funeral director and staff for completing the following tasks: conducting of the arrangements conference, securing of necessary permits, preparation of notices, sheltering of human remains, coordination of arrangements with the cemetery, crematory, retail sellers, or other third party. The basic services fee may include overhead costs, such as parking lot and other common areas, insurance, staff, taxes, and other fees the funeral establishment pays.

2.4. "Board" means the West Virginia Board of Embalmers and Funeral Directors.

2.5. "Cremation" means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremented, or otherwise further reduced in size or quantity.

2.6. "Direct supervision" means the physical presence and oversight of an activity by a licensed funeral director or licensed embalmer.

2.7. "Embalming" means the introduction into the vascular system or hollow organs of a dead human body, by arterial or by hypodermic injection, of any chemical substance, fluids, or gases used for the purpose of preservation and includes the disinfection, preservation or restoration of a dead human body.

2.8. "Funeral establishment" means a place of business maintained and operated and devoted to such activities that are incident, convenient, or related to the preparation and arrangements, financial or otherwise, for the embalming, funeral, transportation, burial or other disposition of dead human bodies.

2.8.1 "Branch funeral establishment" means a funeral establishment which is owned one-hundred percent by, operated by, is a subsidiary of, or otherwise financially connected or controlled by a licensed main funeral establishment. If the preparation of dead human bodies by embalming is done at the main establishment and the main establishment is within 60 miles of the branch facility, then the equipment for the preparation of dead human bodies is not required at the branch facility.

2.8.2. "Funeral home," "funeral chapel," "funeral services," or "funeral parlor" means a funeral establishment which offers funeral services and preparation for the disposition of dead human bodies. Funeral homes in existence prior to the effective date of this rule, which use the term "mortuary" in the business name, may continue to do so.

2.8.3. "Main funeral establishment" means a primary funeral establishment.

2.8.4. "Trade service" or "mortuary service" means a funeral establishment devoted strictly to the preparation and embalming of dead human bodies, and may also include the financial arrangements for the embalming of dead human bodies. A trade service or mortuary service may not offer to the public funeral services under any circumstance.

2.9. "Funeral service" means the religious, fraternal or civil ceremony performed with the body present at a funeral home, church or other public place and also includes the committal or other dedication ceremony at a cemetery or other place of final disposition. Funeral services entail the use of the funeral establishment's facilities, equipment, and personnel.

2.10. "General supervision" means the general oversight or overall responsibility for an activity by a licensed funeral director or licensed embalmer. General supervision does not require the physical presence of the licensed funeral director or licensed embalmer.

2.11. "Legally authorized person" means the closest next-of-kin or the person entitled to give permission for the preparation and disposition of a dead human body.

2.12. "Licensee" means a person who holds a license or courtesy card issued by this Board.

2.13. "Minimum Adult Service" means necessary items for a complete funeral service, including but not limited to basic services fees, the use of facilities and staff for a particular kind of service, casket, embalming or cremation.

2.14. "Person" means an individual, partnership, association, corporation or other organization.

2.15. "Professional services" means embalming, funeral services and the arrangements conference.

2.16. "Registrant" means a person who holds a certificate of registration for apprenticeship issued by this Board.

§6-1-3. Licensing Examination for applicants of funeral director license and embalmer license.

3.1. An applicant for the state licensing examination shall remit the fees as provided in §30-6-6 for examination and shall supply the Board with the following documentation:

3.1.1. A certified copy of a birth certificate establishing that the applicant is at a minimum eighteen (18) years of age;

3.1.2. One of the following:

a. A certified transcript which shows successful completion of an associate degree or sixty (60) semester hours or ninety (90) quarter hours of college credit toward a baccalaureate degree, to be completed by a dean of academic affairs or an equivalent officer of an accredited college or university which offers an associate degree or a baccalaureate degree, and a certified transcript from an approved school of mortuary science which shows successful completion of at least 12 months of study in mortuary science ; or

b. A certified transcript which shows successful completion of a bachelor's degree from an approved school of mortuary science for which at least 12 months of study is specifically in mortuary science and equivalent to a diploma program, and for which at least sixty (60) semester hours or ninety (90) quarter hours are in liberal arts.

3.1.3. A certificate of completion of the apprenticeship program as outlined in Section 4 of this rule; and

3.1.4. A certificate issued by the International Conference of Funeral Service Examining Boards showing a passing score of its' National Board Examination of not less than seventy-five percent (75%).

3.2. Examinations.

The International Conference of Funeral Service Examining Boards shall prepare and grade the state licensing examination. A passing grade for the state licensing examination is a score of not less than seventy-five percent (75%).

3.3. Subjects.

The state licensing examination shall include the following subjects:

3.3.1. State laws governing the conduct and responsibilities of embalmers and funeral directors.

3.3.2. State laws governing the preneed sale of funeral services and merchandise;

3.3.3. The Rules of the Board;

3.3.4. State laws governing sales tax;

3.3.5. The Federal Occupational Safety and Health Act;

3.3.6. The Americans with Disabilities Act;

3.3.7. The Federal Trade Commission, Funeral Industry Practices Rule.

3.4. Monitoring of examinations.

Employees or members of the Board may monitor examinations, provided that they have no relatives or employees sitting for the examination.

3.5. Inspection of examinations.

The Board may allow any individual who fails an examination to inspect his or her examination.

§6-1-4. Apprenticeship.

4.1. The apprenticeship for an embalmer license and for a funeral director's license shall be served simultaneously.

4.2. The apprenticeship program is of one (1) year's duration and consists of full-time employment under the direct supervision of an embalmer and funeral director licensed by this state and actively practicing within this state. For purposes of this rule, a full-time employee is an employee working a minimum of forty (40) hours per week in a licensed funeral establishment. The apprentice has five (5) years within which to finish the apprenticeship, to graduate from mortuary science school, and successfully pass all examinations. The Board may allow one (1) additional year of apprenticeship status upon a written application which shows good cause.

4.3. During the apprenticeship an apprentice shall meet the following requirements:

4.3.1. Under the direct supervision of a licensed embalmer, he or she shall assist in the operation or embalming not less than thirty-five (35) dead human bodies.

4.3.2. Under the direct supervision of a licensed funeral director, he or she shall assist in the conduct of not less than thirty-five (35) funeral services.

4.4. During the apprenticeship program, the Board shall require the submission of monthly case reports by the apprentice and quarterly evaluations from the preceptor, on forms prepared by the Board and revised as needed.

§6-1-5. Control of Dead Bodies.

5.1. Authority to assume control.

A licensee, licensee's agent, assistants or employees shall not assume control of any dead body without first gaining permission from the next of kin or their representatives, or a medical examiner, health officer or other public official legally authorized to give the permission to release the body.

5.2. Responsibility to honor instructions.

A licensee or licensee's agents, assistants or employees who have assumed control of a dead body shall honor all instructions, from persons who have given the control, as to matters relating to the handling of the body, including all steps in preparation; autopsy; embalming; viewing; photographing; clothing; casket; box or vault; cremation; time, location and type of ceremonies; and burial or other customary disposal, insofar as considerations of public health, legal requirements and customary respectful handling of the dead may permit.

5.3. Authority to embalm.

A licensee or licensee's agents, assistants or employees shall not authorize the embalming of, or embalm any body without first gaining permission from the person or persons authorized to give permission, or in the event services are being rendered by virtue of reference from another funeral establishment, from a representative of the funeral establishment.

5.4. Exception.

If a question exists to whether the condition of a body may pose a hazard to public health which would be eliminated by embalming, the embalmer shall get a written certification of the condition along with a request that the body be embalmed from a public health officer prior to embalming.

5.5. Responsibility for fees.

A person or persons authorized to give permission to embalm a body pursuant to subsections 5.3 and 5.4 of this rule, shall not be responsible for the payment of any fee in connection with an unauthorized embalming.

§6-1-6. Health Requirements.

6.1. Statutes and rules.

A licensee and the licensee's agents, assistants and employees shall comply with all federal and state laws and rules related to health. State laws include, but are not limited to §16-1-1 et. seq. related to state public health, §16-2-1 et. seq. related to local public health, §16-5-1 et. seq. related to vital statistics, 64CSR18 related to general sanitation, 64CSR32 related to vital statistics, 64CSR56 related to infectious medical waste, and 64CSR64 related to aids-related medical testing and confidentiality.

6.2. Bodies of individuals affected with infections or contagious diseases.

An embalmer who knows that a body is affected with infections or contagious diseases shall closely and directly supervise the body. The body shall be encased in an airtight burial pouch, transfer case or sealed casket. Body cavities and orifices shall be treated and disinfected.

6.3. Viewing, public or otherwise, of unembalmed bodies.

An embalmer shall provide a written disclosure to individuals who wish to view an unembalmed body.

This disclosure shall contain relevant information pertaining to the potential spread of infectious or contagious disease or other possible hazards. The embalmer shall thoroughly discuss these risks with the individual wishing to view the body and may require the legally authorized person or other individuals who will view an unembalmed body to sign a statement which releases the embalmer and his employer from any liability, only after discussing the potential hazards.

§6-1-7. Evidence of Crime.

7.1. Embalming, removal, cremation.

The licensee or registrant, or a licensee's or registrant's agents, assistants or employees shall get permission from a medical examiner or other qualified law enforcement official before embalming, removing, or cremating a body when they have information of or suspect a crime or intentional violence in connection with the cause of death.

7.2. Information of crime.

A licensee or registrant, or a licensee's or registrant's agents, assistants or employees who have information of a possible crime shall immediately file a formal report of that information to a proper law enforcement officer, if the possible crime has not yet been reported.

7.3. Concealment of crime.

A licensee or registrant, or a licensee's or registrant's agents, assistants or employees shall not knowingly do any act that would conceal evidence of a crime.

7.4. Use of certain materials in embalming.

A licensee, or licensee's agents, assistants or employees shall not use any fluid or compound which contains arsenic, lead, mercury, copper, zinc, silver, antimony or chloral or any poisonous alkaloid in the embalming of a body which would interfere in the autopsy or other investigation of the death of that body.

§6-1-8. Price Disclosure, price lists, statement of goods and services, misrepresentations.

8.1. All funeral establishments shall comply with applicable state and federal laws on price disclosures, price lists, statements of goods and services, and misrepresentation, including but not limited to the Federal Trade Commission, Trade Regulation Rule for Funeral Industry Practices, 16 CFR Part 453. A copy of a consumer guide is available on-line at <http://www.ftc.gov/bcp/online/pubs/services/funeral.htm>. A copy of this rule is available on-line at <http://www.ftc.gov/bcp/rulemaking/funeral/16cfr453.pdf>.

8.2. Required records.

Funeral establishments shall maintain the following documents for at least one year after expiration: general price list, casket price list, outer burial container price list, statement of goods and services.

§6-1-9. Advertising.

9.1. All advertising shall comply with the requirements set forth in W. Va. Code §30-6-1 et. seq.

9.2. A licensee, apprentice or any other person, persons or business organization associated or in any way connected with a funeral establishment shall not use or sponsor the use of any false, misleading, untrue or deceptive advertising in any manner.

9.2.1. If the words "Free," "Without Charge" or other words with similar connotations have the effect of misleading the public, the Board may consider the advertisement to be false and misleading.

9.2.2. A licensee, apprentice or any other person, persons or business organization associated or in any way connected with a funeral establishment shall not solicit business or offer any inducement, pecuniary or otherwise for employing solicitors, agents, canvassers or other persons for the purpose of securing or attempting to

secure business. These persons shall not call upon, telephone, write or cause, directly or indirectly, advertising literature to be sent to a sick or dying person as would tend to be considered non-general, selective or soliciting advertisements. A licensee, apprentice or any other person, persons or business organization associated or in any way connected with a funeral establishment shall not offer or accept bribes or kickbacks, direct or indirect.

9.2.3. All advertising copy shall have no limit as to size providing the advertising is not in any way false, misleading, untrue or deceptive. The contents of the advertising shall include the name of the funeral establishment, its address and telephone number and the name of the licensed funeral director in charge. It may also include a description of the service facilities of the advertiser as well as general information pertaining to his or her business. It may also include the total cost of the minimum adult services. In all advertisements relating to the minimum cost of the adult services, the following rules must be observed and conformed to, in their entirety:

a. Any advertised casket price shall mean the cost of the casket and all necessary items for a complete funeral service. However, the cemetery costs, opening grave costs, vault costs or excess mileage costs are not considered necessary to constitute a complete funeral;

b. Any funeral director advertising any merchandise used in connection with his or her business shall carry in his stock a sample of the merchandise for a period of not less than thirty (30) days after advertisement publication and must be able to meet any and all demands for such items, with no increase in price, for the stated period of not less than thirty (30) days.

§6-1-10. Confidentiality.

10.1. Preserving confidentiality.

A licensee or registrant, or a licensee's or registrant's agents, assistants or employees shall not divulge any confidential or private information relating to the domestic life in any home wherein they may be called upon to serve. This prohibition, however, shall not prevent divulging information to any person legally authorized to receive the information.

10.2. Exception.

Should any form of child abuse, child neglect, or elder abuse be suspected or divulged, the licensee or registrant shall notify proper authorities, including but not limited to local office of the West Virginia Department of Health and Human Resources and local law enforcement. Failure to do so shall result in disciplinary action, pursuant to W.Va. Code §30-6-1 et seq.

§6-1-11. Supervision Required of Licensee and Registrant.

11.1. Licensed funeral director in charge.

Each licensed funeral establishment shall employ a licensed funeral director in charge of and responsible for the day-to-day operation of the establishment. The funeral director shall be a full time employee of the funeral establishment.

11.2. Branch funeral establishment.

A licensed funeral director shall directly supervise the activities of a branch establishment at all times that professional services are being rendered at the branch.

11.3. Absence in excess of thirty (30) days.

A licensed funeral establishment may not go without the supervision of a licensed funeral director in charge for a continuous period in excess of thirty (30) days.

11.4. Funeral Directing.

A funeral director, licensed by this state, shall be responsible for, be present at, and directly supervise any funeral service conducted for compensation within the state.

11.5. Embalming.

An embalmer, licensed by this state, shall be present at and directly supervise any embalming operation performed within the state. Only licensed embalmers or registered apprentice embalmers may embalm dead human bodies.

11.6. Arrangements conference.

A funeral director, licensed by this state, shall be responsible for and supervise any arrangements conference conducted within the state. A registered apprentice funeral director may be present and participate in the arrangements conference under the general supervision of a licensed funeral director.

§6-1-12. Inspections.

12.1. Right of inspection.

The Board, any of its members or any inspector duly authorized, has the right to enter, without prior notice, any licensed funeral establishment, during normal business hours, for the purpose of inspecting the establishment.

12.2. Compliance.

The holder of a funeral establishment license shall correct any violations found during an inspection. The severity of the violation shall dictate the time allotted for correction and is at the discretion of the person conducting the inspection.

12.3. The Board shall produce an inspection report to use as a guide while inspecting an establishment, a copy of which shall be left with the establishment at the conclusion of the inspection and a copy which shall be filed in the office of the Board

12.4. Areas of inspection shall include but not be limited to:

12.4.1. Public areas, including restrooms, lounges, parlors, casket display rooms and individual caskets, offices and chapels;

12.4.2. Non-public areas, including preparation or embalming rooms, refrigeration facilities, holding areas, crematories and dressing rooms;

12.4.3. Documents, equipment, and materials covered by sections 8,9, and 13 of this rule; and,

12.4.4. Medical waste disposal procedure and documents.

12.5. All funeral establishments shall maintain all necessary equipment, as established in section 13 of this rule, and materials in a clean, safe, and sanitary condition. All equipment and materials shall be in good repair and are subject to inspection. The building in which the funeral establishment is located shall also be in good repair and maintained in a clean, safe, and sanitary condition and is subject to inspection.

§6-1-13. Necessary Equipment.

The inspector or another duly authorized representative of the Board shall use his or her discretion to designate the time frame in which funeral establishment shall correct violations, depending upon the type and severity of violation. Failure to comply with the following requirements shall result in disciplinary action pursuant to W.Va. Code §30-6-1 et. seq.

13.1. A main funeral establishment shall have the equipment for the conduct of embalming and funeral directing, and shall comply with Occupational Safety and Health Administration's regulations as outlined in 29CFR1900 et seq., and includes but is not limited to:

13.1.1. Embalming and preparation room facilities along with all necessary equipment, in compliance with

all state and federal laws and rules, located in each funeral establishment. Upon the effective date of this rule, new applicants shall install the following equipment and materials before the Board may issue a license and existing funeral establishments shall install the following equipment and materials by July 1, 2002:

- a. sanitary flooring;
- b. all instruments and appliances used in the embalming of a dead human body, which are thoroughly cleansed and sterilized by boiling or immersion for ten minutes in a one percent solution of chlorinated soda or an equivalent disinfectant immediately at the conclusion of each embalming;
- c. running hot and cold water with a lavatory sink for personal hygiene;
- d. permanently installed and operable exhaust fan and intake vent with the capacity to change the air in the room four times each hour;
- e. sanitary plumbing connected with sewer, cesspool, septic tank, or other Department of Health and Human Resources approved system;
- f. porcelain, stainless steel, metal-lined or fiber-glass operating table;
- g. all opening windows and outside doors adequately screened and shielded to prevent viewing from outside;
- h. all hydro-aspirators equipped with at least one air breaker;
- i. containers for refuse, trash and soiled linens adequately covered or sealed at all times;
- j. first aid kit and eyewash;
- k. a "private" sign posted on the door(s) entering the embalming or preparation room. No one may be allowed in while the body is being embalmed or prepared except licensed embalmers, registered apprentices, and other authorized persons and officials while discharging their duties. The embalming room or preparation room may not be open to the general public;
- l. documentation which shows that all waste materials, refuse, used bandages, and cotton are destroyed by reducing to ashes by incineration, or are removed by a licensed medical waste dispenser, or are removed and transported by the owner in accordance with the provisions of 64 CSR 56;
- m. personal protective equipment in which every person, while engaged in actually embalming or preparing a dead human body, is attired with impervious rubber gloves and a clean smock or gown covering the person from the neck to below the knees;
- n. appropriate holding area for dead human bodies. All bodies in the preparation room or awaiting funeral services or transport to another destination shall be treated with proper care and dignity and shall be properly covered at all times; and

13.1.2. Restroom facilities in compliance with all federal, state, and local health requirements.

13.1.3. Chapel or other separate room for conducting funeral services.

13.1.4. Office space for making arrangements.

13.1.5. A separate room set aside for this purpose if caskets are displayed for sale.

13.1.6. Exception.

a. If a main or branch funeral establishment operates solely as a trade service or mortuary service, a chapel is not required. If the trade service or mortuary service does not serve the public directly and instead offers its services directly to other funeral establishments only, public restroom facilities and office space are not required.

b. If a branch funeral establishment is within 60 miles of the main funeral establishment, a fully-equipped preparation room is not required. Instead, a separate holding facility for dead human bodies shall exist which shields or hides the bodies from public view while awaiting a funeral service to begin or while awaiting transport to another destination. This branch funeral establishment shall have at minimum the equipment covered by subsections 13.1.1.a, 13.1.1.c., 13.1.1.e., 13.1.1.g, 13.1.1.i., 13.1.1.j., 13.1.1.l., 13.1.1.m., and 13.1.1.n. If a branch funeral establishment is more than 60 miles from the main funeral establishment, the branch funeral establishment shall maintain equipment same as the main funeral establishment.

§6-1-14. Courtesy Card.

14.1. Requirements.

The applicant shall:

14.1.1. Certify residency of a state which borders West Virginia;

14.1.2. Certify licensure status as a funeral director and embalmer in his state of residence, on a form supplied by the Board;

14.1.3. Submit an application, supplied by the Board; and

14.1.4. Pay any and all statutory fees.

14.2. Privileges.

14.2.1. A courtesy card holder may conduct funerals, prepare death certificates, and bury a dead human body for an out-of-state funeral establishment, within the boundaries of the state of West Virginia.

14.2.2. A courtesy card holder may advertise for his or her funeral establishment in publications or other media in West Virginia, so long as the courtesy card holder follows section 9 of this rule.

14.2.2. Responsibilities.

A courtesy card holder shall obey all the laws of the state of West Virginia and this rule.

14.3. Exception.

A courtesy card holder may not open or operate a place of business for the purpose of conducting funerals, embalmings, cremations, or selling of funeral goods. He or she may not maintain an office or agency in this state. Further, he or she may not be employed by, nor contracted by, a funeral establishment licensed by this state as a licensed embalmer or funeral director. A courtesy card holder may not prepare or embalm dead human bodies within the boundaries of the state of West Virginia.

14.4. The violation of this section shall result in the immediate revocation or cancellation of the courtesy card of the violator issued by this Board.

§6-1-15. Penalties.

15.1. Any violation of this rule constitutes grounds for the refusal to renew a license or constitutes grounds for the suspension or revocation, or other disciplinary action pursuant to W.Va. Codes §30-6-7, § 30-6-14, §30-1-8, and §30-1-9.

15.2. Any individual may make a complaint to the board concerning a licensee or registrant, and the Board shall initiate an investigation and resolve complaints, pursuant to procedural rule 6CSR4.

15.3. Any person denied a license or registration, or had a license or registration suspended or revoked by the Board who believes the denial, suspension, or revocation was a violation of §30-1-1 et. seq. or §30-6-1 et. seq. is entitled to a hearing on the action denying the license, pursuant to procedural rule 6CSR4.

§6-1-16. Fees.

The following fees are in addition to statutory fees established in W.Va. Code §30-6-1 et. seq. These fees are for documents, materials, or expenses of the Board which the Board is not required to provide and are considered voluntary fees for this reason.

16.1. Study Packets for state examination.

Applicant shall be informed of the availability of a study packet at time of request for registration for the state examination. The applicant is not be required to buy a packet; however, upon request and payment of a fee of \$25.00 per study packet, a study packet shall be promptly mailed to applicant.

16.2. Apprentice Handbook.

The Board shall prepare an apprentice handbook, which is free only with the initial apprentice registration. However, upon payment of a fee of \$50.00 per handbook, the Board shall prepare and promptly mail to the apprentice subsequent handbooks.

16.3. Lost or stolen licenses, certificates of registration or courtesy cards.

The Board shall print and promptly mail a new license, certificate of registration, or courtesy card upon payment of a fee of \$25.00 for each re-issuance, a new license, certificate of registration, or courtesy card.

16.4. Inspections.

An inspection fee may not be charged, except under the following conditions. This fee covers the cost of the inspector's expenses.

16.4.1. When it is necessary for the inspector to conduct an additional inspection of a funeral establishment found to be out of compliance with the provisions of W.Va. Code §30-6-1 et. seq. and this rule during the initial yearly inspection, the funeral establishment shall pay a fee of \$200.00 for each additional inspection.

16.4.2. When the inspector schedules an appointment for inspection and noone is present at the funeral establishment for the inspection to be conducted and the inspector must return to the funeral establishment on a subsequent date, the establishment shall pay a fee of \$200.00 for each occurrence. This fee shall only be charged if it is determined by the Board that the inspector was not at fault for the missed appointment, or if a funeral establishment owner or operator or the licensee-in-charge contacts the inspector or the Board office before the scheduled appointment with a justifiable reason for his inability to be present for the appointment and can provide written documentation supporting his reason.

16.5. Continuing Education Approvals.

16.5.1. No fee shall be charged for applications submitted more than 45 days before the first date of the program.

16.5.2. Exception.

For each program application submitted for approval within 45 days of the first date of the program, which requires expedient approval, the applicant or provider shall pay a fee of \$50.00 for each application.

16.6. WV Code §30-6-1 et. seq. A fee of \$5.00 for each copy plus shipping and handling. All copies of other state or federal laws shall carry a charge of \$.25 per page plus shipping and handling. For materials that are pre-printed by another organization, only shipping and handling charges shall apply. A copy of this rule is available on-line at <http://www.state.wv.us/csr/> and at the Secretary of State's office.

16.7. All other materials that must be re-printed and are not included of rule shall carry a cost of \$.25 per page plus shipping and handling.

16.8. Reciprocal Funeral Director License and Embalmer License.

The applicant of a reciprocal license shall pay an application processing fee of \$25.00, in addition to statutory fees, to cover expenses of the Board incurred while completing a background check with the applicant's home state of licensure.

§6-1-17. Correspondence with Board.

To avoid inconsistency, all inquiries relating to any facet of licensing requirements shall be directed, in writing, to the full Board through its Executive Director. If any employee or member of the Board is asked to provide information or interpretations, he or she shall refrain from responding, but shall reduce the inquiry to written form and direct it to the full Board through its Executive Director.

§6-1-18. Continuing Education.

18.1. Applications to present or sponsor a program.

Applicants wishing to present any continuing education programs shall submit an application 45 days before the first presentation date of the program and program shall be relevant to the practice of mortuary science. Sponsors or providers of programs are responsible for submitting applications for approval. Fees for applications are established in subsection 16.5. of this rule. On-going programs that are presented as needed shall be approved biennially.

18.2. Licensees.

18.2.1. Licensed Funeral directors and embalmers shall attend approved continuing education programs as a prerequisite to license renewal. A funeral director or embalmer shall obtain three hours every two years of general funeral service education and four hours every two years of occupational safety or health-related training. The Board shall give notice of such approved programs every three months, and it shall be the duty of every funeral director or embalmer to attend such programs. It is the responsibility of the funeral director or embalmer to finance his or her costs of continuing education.

18.2.2. Licensees may get one-quarter of required continuing education credits through audio or video media. However, these programs shall be approved in advance, as established in subsection 18.1. of this rule. The Board may require the licensee to demonstrate new knowledge of material learned by examination or other means of testing.

18.3. Board sponsored continuing education.

The Board may conduct annually a school of instruction or continuing education. It shall be the duty of every licensed funeral director and embalmer to attend at least one such program every three years, pursuant to WV Code §30-6-3(j).

18.4. Exception.

Courtesy card holders and emeritus licensees are exempt from attending continuing education programs or other schools of instruction, pursuant to WV Code §30-6-3(j) and WV Code §30-6-17.