

1 21 NCAC 34B .0313 is adopted with changes as published in 34:19 NCR 1780-1783 as follows:

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3 **21 NCAC 34B .0313 PROCEDURES FOR PROVISIONAL LICENSURE**

4 (a) Definitions. As used in this Rule:

- 5 (1) “Applicant” shall mean the person submitting an Application for Provisional License on a form
6 made available by the Board on its website at ncbfs.org ~~[approved by the Board]~~ and ~~[providing]~~
7 ~~providing: [information on]~~ his or her contact information; social security number; date and place
8 of birth; sex; ~~[age, education, and employment experience,]~~ education and employment experience;
9 the location where provisional work will be done; whether the applicant currently or has ever been
10 licensed to practice funeral service, funeral directing, or embalming in another jurisdiction; whether
11 the applicant ever has had any occupational or business license denied, suspended, or revoked;
12 whether the applicant ever has been convicted of any felony or misdemeanor crime other than traffic
13 infractions; whether the applicant has been subject of any investigation for employee
14 misclassification in the preceding two years; and payment of a non-refundable fee pursuant to G.S.
15 90-210.25(a)(3a)a.
- 16 (2) “Entry-level Examination” shall mean ~~an [a Board approved]~~ examination that is equivalent to the
17 State Board Examination-Arts in Funeral Directing to assess competency in funeral arranging and
18 directing; funeral service marketing and merchandising; funeral service counseling; legal and
19 regulatory compliance; and cemetery and crematory operations pursuant to G.S. 90-
20 210.25(a)(1)(c)(1) [90-210.25(a)(1)e1.] The National Board Examination-Arts that is administered
21 by the International Conference of Funeral Service Examining Boards is equivalent to the State
22 Board Examination-Arts in Funeral Directing.
- 23 (3) “Laws and Rules Examination” shall mean ~~[a Board approved]~~ an examination prepared by the
24 Board of funeral practice and related laws of North Carolina, the federal Funeral Rule as expressed
25 in the standards set forth in Funeral Industry Practices, 16 C.F. R. §453 (1984), pursuant to its most
26 recent version, and the administrative rules governing the practice or professional funeral service as
27 expressed in the NC Administrative Code.
- 28 (4) “Professional Experience” shall mean work providing knowledge, skill, and proficiency resulting
29 from the performance of funeral-related duties and responsibilities; work requiring ~~[advanced and~~
30 ~~relevant]~~ knowledge attained through ~~[formal]~~ academic education beyond high school; work ~~that~~
31 ~~[which]~~ is ~~[predominantly]~~ intellectual in nature; and work requiring the ~~[consistent]~~ exercise of
32 independent discretion and judgment.
- 33 (5) “Provisional Licensee” shall mean any individual satisfying the provisional licensure requirements
34 pursuant to G.S. 90-210.25(a)(3a) [90-210(3a)] and who engages in the practice of professional
35 funeral service under the supervision of ~~[an approved]~~ a funeral director or funeral service licensee
36 in good standing with the Board for a period not to exceed three years.

1 (6) "Supervision" shall mean oversight and direction from ~~[an approved]~~ a licensee in funeral directing
2 or funeral service, who is in good standing with the Board, and who has practiced ~~[full-time]~~
3 professional funeral service as his or her primary occupation more than 30 hours per week for at
4 least five years.

5 (b) The following provisions shall apply to provisional license applicants and licensees only:

- 6 (1) Applicants shall submit with their application for provisional licensure proof of satisfying
7 the education requirements pursuant to G.S. 90-210.25(a)(3a)(d). Such proof shall include
8 certified transcripts from an accredited post-secondary institution, or, if applicable, a
9 certified transcript from ~~[a Board-approved funeral director program or]~~ a funeral director
10 program accredited by the American Board of Funeral Service Education (ABFSE) or
11 ~~[(ABFSE)]~~ a funeral director program offered at a post-secondary institution that is
12 accredited by ABFSE. Certified transcripts ~~[must]~~ shall come from the educational
13 institution directly to the Board.
- 14 (2) Applicants not otherwise qualified as a certified trainee or eligible for a certified traineeship
15 shall submit with their application for provisional licensure an employment history on a
16 ~~[Board-approved form]~~ form provided by the Board on its website at ncbfs.org, which shall
17 supplement the provisional license application and ~~[which]~~ requires a listing of funeral-
18 related work including name and contact information of employer, dates of employment,
19 and duties and responsibilities performed.
- 20 (3) ~~Prior to licensure as a Funeral Director, provisional licensees~~ Applicants shall have
21 attained a passing score of seventy-five percent (75%) on the Entry-level Examination.
22 ~~[State Board Examination Arts prepared and administered by a Board-approved testing~~
23 ~~organization.]~~ Applicants shall have attained a passing score of seventy-five percent
24 (75%) on the ~~[NC]~~ Laws and Rules ~~[examination]~~ Examination. ~~[prepared and~~
25 ~~administered by a Board-approved testing organization.]~~
- 26 (4) Applicants shall be subject to a criminal history background check pursuant to the
27 requirements of the North Carolina State Bureau of Investigation and may be approved for
28 licensure in the absence of any disqualifying conditions pursuant to G.S. 93B-8.1. ~~[the~~
29 ~~provisions of SL 2019-91.]~~ Applicants shall complete ~~[Board-approved]~~ forms provided
30 by the Board on its website at ncbfs.org for the electronic submission of fingerprints if
31 North Carolina residents; non-residents shall complete a fingerprint card and application
32 information through a local law enforcement agency. ~~[agency using forms prescribed and~~
33 ~~approved by the Board.]~~
- 34 (5) Provisional licensees shall be subject to the same license renewal requirements as ~~[for]~~
35 licensees in funeral ~~[directing]~~ directing, including completion of a ~~[Board-approved]~~
36 renewal application as set forth in Rule .0309 of this Section by December 31st of each year

1 but not later than February 1st of the year immediately following the expiration of the
2 license and submission of a non-refundable renewal fee of \$250.00.

3 (6) Provisional licensees shall be subject to the same requirements for continuing education as
4 for licensees in funeral directing including a minimum of five continuing education credits
5 annually and not exceeding two hours annually through online instruction. All continuing
6 education credits shall be awarded only for Board-approved courses of instruction provided
7 through an accredited sponsor or other approved [provider.] provider, as set forth in Section
8 .0400 of this Subchapter.

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10 *History Note: Authority G.S. 90-210.25(a)(3a);*

11 *Eff. August 1, 2020.*

1 21 NCAC 34B .0502 is amended with changes as published in 34:19 NCR 1780-1783 as follows:

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3 **21 NCAC 34B .0502 APPLICATION FORM AND EQUIVALENT EXAMINATIONS FOR**
4 **RECIPROCAL LICENSE BY OUT-OF-STATE LICENSEES**

5 (a) Applications by an out-of-state licensee for a North Carolina license pursuant to G.S. 90-210.25(b)(1) shall be
6 made on forms provided by the ~~Board;~~ Board on its website at ncbfs.org. The form shall require the applicant to furnish
7 the applicant's ~~photograph,~~ name, address, phone number, email address, social security number, date and place of
8 birth, and sex; name and address of present employer; whether the applicant has military training or experience in the
9 practice of funeral service; whether the applicant is a military spouse; whether the applicant has had recent experience
10 in the practice of the type of reciprocal license sought for at least two of the five years preceding the date of the
11 application; whether the applicant has any pending complaints against his or her license in any jurisdiction in which
12 he or she is licensed to practice funeral service; educational history; and biographical data; license applied for; name
13 of the jurisdiction where licensed and the kinds of licenses held; whether the applicant ever has had any occupational
14 or business license denied, suspended or revoked; whether the applicant ever has been convicted of any felony or
15 misdemeanor crime other than traffic infractions; whether the applicant has been subject to any investigation for
16 employee misclassification in the preceding two years; and length of continuous practice in the other jurisdiction
17 ~~where the applicant is licensed; verification by the notarized signature of the applicant, applicant; and any other~~
18 ~~information the Board deems necessary as required by law.~~

19 (b) The form shall require the licensing board of the other ~~jurisdiction~~ jurisdiction(s) to certify that the applicant is
20 licensed and in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held
21 and dates granted, and the name and address of the Board in such other jurisdiction, jurisdiction, verification by the
22 Secretary or other official of such other board, and any other information the Board deems necessary as required by
23 law. ~~An affidavit that the~~

24 (c) The applicant shall provide an employment history to show at least three years of professional practice in the other
25 jurisdiction(s), has continuously practiced the profession in the other jurisdiction for at least three years immediately
26 preceding an application for a North Carolina license shall be required. The affiant shall be personally acquainted with
27 the applicant and shall furnish the name and address of the affiant, the name of the applicant, the length of time the
28 affiant has known the applicant, the length of the applicant's continuous practice, verification, and any other
29 information the Board deems necessary as required by law. Information pertaining to the applicant's length of practice
30 is not required if the applicant is licensed in a jurisdiction having licensing requirements substantially similar to those
31 of North Carolina. Three affidavits of the moral character of the applicant submitted by three persons, in compliance
32 with G.S. 90-210.26, must accompany the application.

33 (d) Funeral director applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure
34 if they have completed with passing scores the Entry-Level Examination defined in 21 NCAC 34B .0313(a)(2) as a
35 requirement for licensure in the other jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B
36 .0313(a)(3). [an entry level examination for funeral directing and an examination of the laws and rules pursuant to
37 North Carolina jurisdiction.]

1 (e) Funeral service applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure
2 if they have completed the National Board Examinations as administered through The International Conference of
3 Funeral Service Examining [Boards] Boards, or equivalent examinations, as a requirement for licensure in the other
4 jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3). [other agency approved by
5 the Board.]

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7 *History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. September 27, 1977;*

10 *Amended Eff. November 1, 2004; September 1, 1979;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
12 *~~2017.~~ 2017;*

13 *Amended Eff. August 1, 2020.*