

45:7-49
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 130
NJSA: 45:7-49 (Revises requirements for examination and license to practice mortuary science)
BILL NO: S3465 (Substituted for A4914)
SPONSOR(S) Nellie Pou and others
DATE INTRODUCED: 2/7/2019
COMMITTEE: **ASSEMBLY:** Regulated Professions
 SENATE: Commerce
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** 6/20/2019
 SENATE: 6/10/2019
DATE OF APPROVAL: 6/21/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)	Yes
S3465	
SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill)	Yes
COMMITTEE STATEMENT:	
	ASSEMBLY: No
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
A4914	
SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill)	Yes
COMMITTEE STATEMENT:	
	ASSEMBLY: Yes
	SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE:	Yes (conditional)
GOVERNOR'S PRESS RELEASE ON VETO:	Yes
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

RWH/CL

P.L. 2019, CHAPTER 130, *approved June 21, 2019*
Senate, No. 3465 (*First Reprint*)

1 AN ACT concerning the practice of mortuary science and amending
2 P.L.1952, c.340.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 18 of P.L.1952, c.340 (C.45:7-49) is amended to
8 read as follows:

9 18. (a) Every person desiring to enter into the practice of
10 mortuary science, before being licensed by the board **[so to do]**:

11 (1) Shall have passed an examination to be conducted by the
12 board or an entity other than the board to determine **[his]** the
13 qualifications and fitness **[therefor]** of the applicant. Such
14 examination, the scope, character and content of which shall be
15 determined by the board, shall be the same for all **[candidates]**
16 applicants at each examination, and shall include **[the following**
17 **subjects]**: anatomy; physiology; pathology; chemistry; disinfection;
18 hygiene; sanitary science; bacteriology; dissection; the care,
19 preservation, embalming, transportation, and burial, cremation or
20 other disposal of dead human bodies, including those dead as a
21 result of contagious and infectious diseases; the signs of death and
22 the manner in which death may be determined**]**; the applicable laws
23 and rules governing vital statistics **[and the]** preparation and
24 transportation for burial, cremation or other disposal of dead human
25 bodies, including those dead as a result of contagious and infectious
26 diseases; the provisions of [this act] P.L.1952, c.340 (C.45:7-32 et
27 seq.) and of the rules and regulations adopted by the board;
28 professional ethics; mortuary accounting; and such other subjects as
29 the board may determine, by rule or regulation, to be necessary,
30 proper or reasonably calculated to establish the qualifications and
31 fitness of the applicant.

32 An examination conducted by an entity other than the board shall
33 be preapproved by the board and conducted by a nationally
34 recognized testing service that is under contract with the regulatory
35 boards of at least three other states to provide testing and grading in
36 the field of funeral service arts and funeral service science. This
37 entity may conduct the law portion of the examination as
38 enumerated above.

39 Such examinations shall be administered electronically or in
40 writing and shall be held at least once in each year, and oftener if

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate amendments adopted in accordance with Governor's
recommendations May 30, 2019.

1 the board shall so determine by rule or regulation, at such times and
2 places as may be fixed by the board. In addition to the **【written】**
3 examination herein provided for, the examination of each applicant
4 shall include, wherever possible, an actual demonstration on a
5 cadaver of the embalming proficiency and qualifications of the
6 applicant.

7 (2) Shall have completed 2 years of practical training and
8 experience as a registered trainee in regular, steady, bona fide full-
9 time service of a grade and character satisfactory to the board, in
10 the State of New Jersey, with a person duly licensed as a
11 practitioner of mortuary science under **【this act】** P.L.1952, c.340
12 (C.45:7-32 et seq.) or as both an embalmer and funeral director
13 under any prior law of this State and whose annual case volume
14 shall be equal to at least 25 cases, and shall have assisted in
15 embalming at least 75 bodies; and shall have satisfactorily
16 completed a minimum of 2 academic years of instruction in a
17 college or university approved by the State Department of
18 Education and 1 year of instruction in a school of mortuary science
19 approved by the State Board of Mortuary Science of New Jersey;
20 except that a person who has satisfactorily completed 3 academic
21 years of instruction in such a college or university and 1 year of
22 instruction in such an approved school of mortuary science need
23 only have completed 1 year of practical training and experience as a
24 registered trainee. **【Provided, however, that the requirement for 2**
25 **years' academic instruction in a college or university shall not apply**
26 **to a trainee registered prior to the effective date of this act and**
27 **-serving 3 years as a registered trainee.】** Not more than 1 trainee
28 shall be registered at 1 time in 1 establishment, except that 2
29 trainees may be permitted if there are 2 or more licensees in the
30 same establishment. The board is authorized and empowered to
31 prescribe rules and regulations establishing minimum courses of
32 college or university instruction; to insure that each trainee receives
33 satisfactory and efficient training and experience which may
34 provide for the periods that may be credited toward the required
35 year of training and experience, the nature, character and extent of
36 the services to be performed by the trainee, for such practical and
37 actual experience in mortuary science and assisting in the same as it
38 shall determine and for the making of such reports by the trainee
39 and by the licensee with whom **【he】** the trainee is registered as may
40 be advisable and for such other qualifications in the applicant as
41 may be reasonably calculated to insure and protect the public
42 health, morals, safety and welfare;

43 (3) Shall have, upon commencing **【his】** the period of training
44 and experience as provided in **【subdivision (a)】** paragraph (2) of
45 this **【section】** subsection registered as a trainee with the board,
46 upon a form to be provided by the board, and has paid to the board
47 a registration fee of \$50.00, and has received from the board a
48 certificate as a registered trainee;

1 (4) Shall have been a resident of the State of New Jersey
2 continuously during the period of **【his】** training and experience;
3 and

4 (5) Shall have passed his or her twenty-first birthday.

5 (b) ¹【Notwithstanding any other law, rule, order or regulation to
6 the contrary, an individual duly licensed to engage in the practice of
7 mortuary science pursuant to P.L.1952, c.340 (C.45:7-32 et seq.) at
8 the time of application for the next biennial renewal registration
9 occurring after the enactment of P.L. _____, c. _____ (pending before the
10 Legislature as this bill), or any subsequent registration, shall be
11 presumed to have successfully passed all required examinations
12 notwithstanding any adverse action with regard to examination
13 scores that occurred after the initial application for licensure had
14 been approved unless the board shall have determined, after
15 providing the applicant due notice and an opportunity to be heard,
16 that the applicant is in violation of subsection a. of section 8 of
17 P.L.1978, c.73 (C.45:1-21).

18 **【(c)】**¹ An applicant who meets the requirements of section 19 of
19 **【this act】** P.L.1952, c.340 (C.45:7-50) shall be admitted to the
20 examinations prescribed in **【subdivision (a)】** paragraph (1) of
21 subsection (a) of this section but a license to enter into the practice
22 of mortuary science shall not be issued or granted to any such
23 applicant by the board unless and until such applicant has
24 completed the period of practical training and experience as a
25 registered trainee required by **【subdivision (a)】** paragraph (2) of
26 subsection (a) of this section.

27 (cf: P.L.1960, c.184, s.7)

28

29 2. This act shall take effect immediately.

30

31

32

33

34 Revises requirements for examination and license to practice
35 mortuary science.

SENATE, No. 3465

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblywoman LINDA S. CARTER

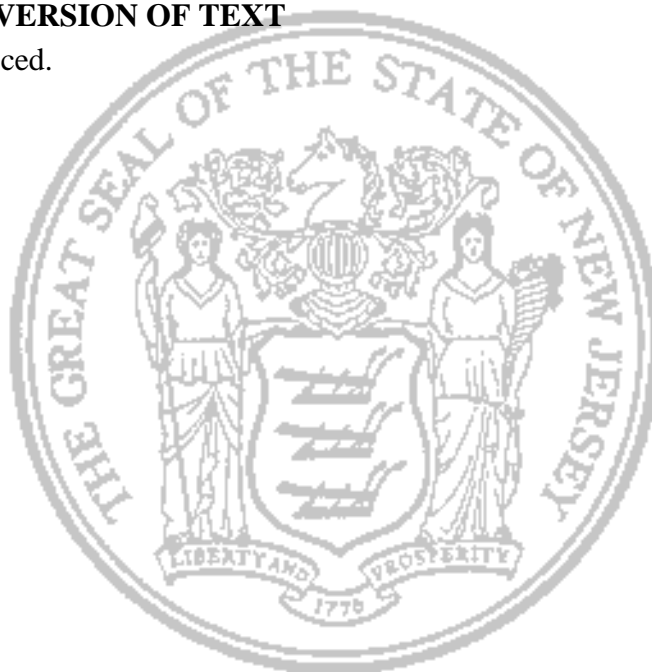
District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Revises requirements for examination and license to practice mortuary science.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/26/2019)

1 AN ACT concerning the practice of mortuary science and amending
2 P.L.1952, c.340.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 18 of P.L.1952, c.340 (C.45:7-49) is amended to
8 read as follows:

9 18. (a) Every person desiring to enter into the practice of
10 mortuary science, before being licensed by the board **[so to do]**:

11 (1) Shall have passed an examination to be conducted by the
12 board or an entity other than the board to determine **[his]** the
13 qualifications and fitness **[therefor]** of the applicant. Such
14 examination, the scope, character and content of which shall be
15 determined by the board, shall be the same for all **[candidates]**
16 applicants at each examination, and shall include **[the following**
17 **subjects]**: anatomy; physiology; pathology; chemistry; disinfection;
18 hygiene; sanitary science; bacteriology; dissection; the care,
19 preservation, embalming, transportation, and burial, cremation or
20 other disposal of dead human bodies, including those dead as a
21 result of contagious and infectious diseases; the signs of death and
22 the manner in which death may be determined **]**; the applicable laws
23 and rules governing vital statistics **[and the]** preparation and
24 transportation for burial, cremation or other disposal of dead human
25 bodies, including those dead as a result of contagious and infectious
26 diseases; the provisions of **[this act]** P.L.1952, c.340 (C.45:7-32 et
27 seq.) and of the rules and regulations adopted by the board;
28 professional ethics; mortuary accounting; and such other subjects as
29 the board may determine, by rule or regulation, to be necessary,
30 proper or reasonably calculated to establish the qualifications and
31 fitness of the applicant.

32 An examination conducted by an entity other than the board shall
33 be preapproved by the board and conducted by a nationally
34 recognized testing service that is under contract with the regulatory
35 boards of at least three other states to provide testing and grading in
36 the field of funeral service arts and funeral service science. This
37 entity may conduct the law portion of the examination as
38 enumerated above.

39 Such examinations shall be administered electronically or in
40 writing and shall be held at least once in each year, and oftener if
41 the board shall so determine by rule or regulation, at such times and
42 places as may be fixed by the board. In addition to the **[written]**
43 examination herein provided for, the examination of each applicant
44 shall include, wherever possible, an actual demonstration on a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 cadaver of the embalming proficiency and qualifications of the
2 applicant.

3 (2) Shall have completed 2 years of practical training and
4 experience as a registered trainee in regular, steady, bona fide full-
5 time service of a grade and character satisfactory to the board, in
6 the State of New Jersey, with a person duly licensed as a
7 practitioner of mortuary science under **[this act]** P.L.1952, c.340
8 (C.45:7-32 et seq.) or as both an embalmer and funeral director
9 under any prior law of this State and whose annual case volume
10 shall be equal to at least 25 cases, and shall have assisted in
11 embalming at least 75 bodies; and shall have satisfactorily
12 completed a minimum of 2 academic years of instruction in a
13 college or university approved by the State Department of
14 Education and 1 year of instruction in a school of mortuary science
15 approved by the State Board of Mortuary Science of New Jersey;
16 except that a person who has satisfactorily completed 3 academic
17 years of instruction in such a college or university and 1 year of
18 instruction in such an approved school of mortuary science need
19 only have completed 1 year of practical training and experience as a
20 registered trainee. **[Provided, however, that the requirement for 2**
21 **years' academic instruction in a college or university shall not apply**
22 **to a trainee registered prior to the effective date of this act and**
23 **-serving 3 years as a registered trainee.]** Not more than 1 trainee
24 shall be registered at 1 time in 1 establishment, except that 2
25 trainees may be permitted if there are 2 or more licensees in the
26 same establishment. The board is authorized and empowered to
27 prescribe rules and regulations establishing minimum courses of
28 college or university instruction; to insure that each trainee receives
29 satisfactory and efficient training and experience which may
30 provide for the periods that may be credited toward the required
31 year of training and experience, the nature, character and extent of
32 the services to be performed by the trainee, for such practical and
33 actual experience in mortuary science and assisting in the same as it
34 shall determine and for the making of such reports by the trainee
35 and by the licensee with whom **[he]** the trainee is registered as may
36 be advisable and for such other qualifications in the applicant as
37 may be reasonably calculated to insure and protect the public
38 health, morals, safety and welfare;

39 (3) Shall have, upon commencing **[his]** the period of training
40 and experience as provided in **[subdivision (a)]** paragraph (2) of
41 this **[section]** subsection registered as a trainee with the board,
42 upon a form to be provided by the board, and has paid to the board
43 a registration fee of \$50.00, and has received from the board a
44 certificate as a registered trainee;

45 (4) Shall have been a resident of the State of New Jersey
46 continuously during the period of **[his]** training and experience;
47 and

1 (5) Shall have passed his or her twenty-first birthday.
2 (b) Notwithstanding any other law, rule, order or regulation to
3 the contrary, an individual duly licensed to engage in the practice of
4 mortuary science pursuant to P.L.1952, c.340 (C.45:7-32 et seq.) at
5 the time of application for the next biennial renewal registration
6 occurring after the enactment of P.L. _____, c. _____ (pending before the
7 Legislature as this bill), or any subsequent registration, shall be
8 presumed to have successfully passed all required examinations
9 notwithstanding any adverse action with regard to examination
10 scores that occurred after the initial application for licensure had
11 been approved unless the board shall have determined, after
12 providing the applicant due notice and an opportunity to be heard,
13 that the applicant is in violation of subsection a. of section 8 of
14 P.L.1978, c.73 (C.45:1-21).

15 (c) An applicant who meets the requirements of section 19 of
16 **【this act】** P.L.1952, c.340 (C.45:7-50) shall be admitted to the
17 examinations prescribed in **【subdivision (a)】** paragraph (1) of
18 subsection (a) of this section but a license to enter into the practice
19 of mortuary science shall not be issued or granted to any such
20 applicant by the board unless and until such applicant has
21 completed the period of practical training and experience as a
22 registered trainee required by **【subdivision (a)】** paragraph (2) of
23 subsection (a) of this section.
24 (cf: P.L.1960, c.184, s.7)

25
26 2. This act shall take effect immediately.
27
28

29 STATEMENT
30

31 This bill revises and updates the requirements for licensure to
32 engage in the practice of mortuary science, and more specifically,
33 the examination requirements. Currently, among other
34 requirements, applicants for licensure must pass a written
35 examination conducted by the State Board of Mortuary Science of
36 New Jersey to determine their qualifications and fitness for
37 licensure.

38 Under this bill, an entity other than the board is permitted to
39 conduct the examination for licensure. The bill establishes that an
40 examination conducted by an entity other than the board shall be
41 preapproved by the board and conducted by a nationally recognized
42 testing service that is under contract with the regulatory boards of at
43 least three other states to provide testing and grading in the field of
44 funeral service arts and funeral service science.

45 The bill also removes the requirement for an examination
46 concerning the signs of death and manner in which death may be
47 determined, because those determinations are reserved for specific
48 medical professionals.

1 The bill adds to the examination requirements testing on
2 applicable New Jersey law, rules and regulations governing
3 cremation and other disposition of dead human bodies, including
4 those dead as a result of contagious and infectious diseases.

5 The bill modifies the requirement that the examination be
6 completed solely through written means. Recognizing that
7 technology now allows for the modernization of examination
8 delivery and completion, it allows an applicant for licensure to
9 complete the required examination via electronic or written means.

10 The bill deletes an outdated reference to trainees registered prior
11 to an earlier amendment to the law.

12 Lastly, the bill establishes that an individual duly licensed to
13 engage in the practice of mortuary science pursuant to P.L.1952,
14 c.340 (C.45:7-32 et seq.) at the time of application for the biennial
15 renewal registration occurring after the enactment of this bill, and
16 any subsequent renewal, shall be presumed to have successfully
17 passed all required examinations notwithstanding any adverse
18 action with regard to examination scores that occurred after the
19 initial application for licensure had been approved unless the board
20 determines, after providing the applicant due notice and an
21 opportunity to be heard, that the applicant fraudulently obtained a
22 license or authorization to sit for examination.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3465

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Senate Commerce Committee reports favorably Senate Bill No. 3465.

This bill revises and updates the requirements for licensure to engage in the practice of mortuary science, and more specifically, the examination requirements. Currently, among other requirements, applicants for licensure must pass a written examination conducted by the State Board of Mortuary Science of New Jersey to determine their qualifications and fitness for licensure.

Under this bill, an entity other than the board is permitted to conduct the examination for licensure. The bill establishes that an examination conducted by an entity other than the board shall be preapproved by the board and conducted by a nationally recognized testing service that is under contract with the regulatory boards of at least three other states to provide testing and grading in the field of funeral service arts and funeral service science.

The bill also removes the requirement for an examination concerning the signs of death and manner in which death may be determined, because those determinations are reserved for specific medical professionals.

The bill adds to the examination requirements testing on applicable New Jersey law, rules and regulations governing cremation and other disposition of dead human bodies, including those dead as a result of contagious and infectious diseases.

The bill modifies the requirement that the examination be completed solely through written means. Recognizing that technology now allows for the modernization of examination delivery and completion, it allows an applicant for licensure to complete the required examination via electronic or written means.

The bill deletes an outdated reference to trainees registered prior to an earlier amendment to the law.

Lastly, the bill establishes that an individual duly licensed to engage in the practice of mortuary science pursuant to P.L.1952, c.340 (C.45:7-32 et seq.) at the time of application for the biennial renewal registration occurring after the enactment of this bill, and any subsequent renewal, shall be presumed to have successfully passed all required examinations notwithstanding any adverse action with regard to examination scores that occurred after the

initial application for licensure had been approved unless the board determines, after providing the applicant due notice and an opportunity to be heard, that the applicant fraudulently obtained a license or authorization to sit for examination.

ASSEMBLY, No. 4914

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 17, 2019

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

SYNOPSIS

Revises requirements for examination and license to practice mortuary science.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/18/2019)

1 AN ACT concerning the practice of mortuary science and amending
2 P.L.1952, c.340.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 18 of P.L.1952, c.340 (C.45:7-49) is amended to
8 read as follows:

9 18. (a) Every person desiring to enter into the practice of
10 mortuary science, before being licensed by the board so to do:

11 (1) Shall have passed an examination to be conducted by the
12 board or an entity other than the board to determine **【his】** the
13 qualifications and fitness **【therefor】** of the applicant. Such
14 examination, the scope, character and content of which shall be
15 determined by the board, shall be the same for all **【candidates】**
16 applicants at each examination, and shall **【include the following**
17 **subjects: anatomy; physiology; pathology; chemistry; disinfection;**
18 **hygiene; sanitary science; bacteriology; dissection; the care,**
19 **preservation, embalming, transportation,】** consist of New Jersey's
20 laws and rules governing the burial, cremation or other disposal of
21 dead human bodies, including those dead as a result of contagious
22 and infectious diseases; 【the signs of death and the manner in which
23 death may be determined;】 laws and rules governing vital statistics
24 and the preparation and transportation for burial of dead human
25 bodies; the provisions of 【this act】 P.L.1952, c.340 (C.45:7-32 et
26 seq.) and of the rules and regulations adopted by the board;
27 professional ethics; 【mortuary accounting】 funeral service arts;
28 funeral service science; and such other subjects as the board may
29 determine, by rule or regulation, to be necessary, proper or
30 reasonably calculated to establish the qualifications and fitness of
31 the applicant.

32 An examination conducted by an entity other than the board shall
33 be preapproved by the board and conducted by a nationally
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36 the field of funeral service arts and funeral service science. This
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40 writing and shall be held at least once in each year, and oftener if
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44 shall include, wherever possible, an actual demonstration on a

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Matter underlined thus is new matter.

1 cadaver of the embalming proficiency and qualifications of the
2 applicant.

3 (2) Shall have completed 2 years of practical training and
4 experience as a registered trainee in regular, steady, bona fide full-
5 time service of a grade and character satisfactory to the board, in
6 the State of New Jersey, with a person duly licensed as a
7 practitioner of mortuary science under **[this act]** P.L.1952, c.340
8 (C.45:7-32 et seq.) or as both an embalmer and funeral director
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39 (3) Shall have, upon commencing **[his]** the period of training
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43 a registration fee of \$50.00, and has received from the board a
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45 (4) Shall have been a resident of the State of New Jersey
46 continuously during the period of **[his]** training and experience;
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1 (5) Shall have passed his or her twenty-first birthday.
2 (b) Notwithstanding any other law, rule, order or regulation to
3 the contrary, an individual duly licensed to engage in the practice of
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22 registered trainee required by **【subdivision (a)】** paragraph (2) of
23 subsection (a) of this section.
24 (cf: P.L.1960, c.184, s.7)

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26 2. This act shall take effect immediately.
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29 STATEMENT
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40 examination conducted by an entity other than the board shall be
41 preapproved by the board and conducted by a nationally recognized
42 testing service that is under contract with the regulatory boards of at
43 least three other states to provide testing and grading in the field of
44 funeral service arts and funeral service science.

45 The bill also replaces the examination's requirement for specific
46 subject matter testing in anatomy; physiology; pathology;
47 chemistry; disinfection; hygiene; sanitary science; bacteriology;
48 dissection; and the care, preservation, embalming, transportation,

1 burial or other disposal of dead human bodies. Instead, it uses a
2 more inclusive reference to funeral service arts and funeral service
3 science. This reference incorporates all of the listed subjects, while
4 permitting the examination to reflect the evolving science and
5 restorative techniques employed by the funeral industry. The bill
6 also removes the requirement for an examination concerning the
7 signs of death and manner in which death may be determined,
8 because those determinations are reserved for specific medical
9 professionals.

10 The bill adds to the examination requirements testing on New
11 Jersey's laws and regulations and rules governing cremation and
12 other disposition of dead human bodies.

13 The bill modifies the requirement that the examination be
14 completed solely through written means. Recognizing that
15 technology now allows for the modernization of examination
16 delivery and completion, it allows an applicant for licensure to
17 complete the required examination via electronic or written means.

18 The bill deletes an outdated reference to trainees registered prior
19 to an earlier amendment to the law.

20 Lastly, the bill establishes that an individual duly licensed to
21 engage in the practice of mortuary science pursuant to P.L.1952,
22 c.340 (C.45:7-32 et seq.) at the time of application for the biennial
23 renewal registration occurring after the enactment of this bill, and
24 any subsequent renewal, shall be presumed to have successfully
25 passed all required examinations notwithstanding any adverse
26 action with regard to examination scores that occurred after the
27 initial application for licensure had been approved unless the board
28 determines, after providing the applicant due notice and an
29 opportunity to be heard, that the applicant fraudulently obtained a
30 license or authorization to sit for examination.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO ASSEMBLY, No. 4914

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 4914.

As amended, this bill revises and updates the requirements for licensure to engage in the practice of mortuary science, and more specifically, the examination requirements. Currently, among other requirements, applicants for licensure must pass a written examination conducted by the State Board of Mortuary Science of New Jersey to determine their qualifications and fitness for licensure.

Under this bill, an entity other than the board is permitted to conduct the examination for licensure. The bill establishes that an examination conducted by an entity other than the board shall be preapproved by the board and conducted by a nationally recognized testing service that is under contract with the regulatory boards of at least three other states to provide testing and grading in the field of funeral service arts and funeral service science.

The bill also removes the requirement for an examination concerning the signs of death and manner in which death may be determined, because those determinations are reserved for specific medical professionals.

The bill adds to the examination requirements testing on applicable New Jersey law, rules and regulations governing cremation and other disposition of dead human bodies, including those dead as a result of contagious and infectious diseases.

The bill modifies the requirement that the examination be completed solely through written means. Recognizing that technology now allows for the modernization of examination delivery and completion, it allows an applicant for licensure to complete the required examination via electronic or written means.

The bill deletes an outdated reference to trainees registered prior to an earlier amendment to the law.

Lastly, the bill establishes that an individual duly licensed to engage in the practice of mortuary science pursuant to P.L.1952, c.340 (C.45:7-32 et seq.) at the time of application for the biennial renewal registration occurring after the enactment of this bill, and any subsequent renewal, shall be presumed to have successfully passed all required examinations notwithstanding any adverse action with regard

to examination scores that occurred after the initial application for licensure had been approved unless the board determines, after providing the applicant due notice and an opportunity to be heard, that the applicant fraudulently obtained a license or authorization to sit for examination.

COMMITTEE AMENDMENTS:

The committee amended the bill to reinstate various specific subject matter testing requirements currently in the law which had been deleted by the bill, including the following: anatomy; physiology; pathology; chemistry; disinfection; hygiene; sanitary science; bacteriology; dissection; the care, preservation, embalming, transportation, and burial, cremation or other disposal of dead human bodies; the applicable laws and rules governing vital statistics; and mortuary accounting.

SENATE BILL NO. 3465

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3465 with my recommendations for reconsideration.

This bill revises and modernizes the requirements for licensure to practice mortuary sciences. The bill does so by making numerous technical changes to the current law and by updating the required areas of focus for the licensure exam. The bill also requires the State Board of Mortuary Sciences (the "Board") to presume that a licensee successfully passed the required examination despite any adverse action regarding the licensee's examination score that occurred after the licensee applied and was approved for licensure. This presumption would be overcome only when the Board determines, after providing notice and an opportunity to be heard, that the licensee has engaged in misconduct that, under the statute, justifies a suspension or revocation of a license.

This new formulation seeks to address a cheating scandal related to the mortuary sciences examination administered by an independent national testing organization. As with many other regulated professions, New Jersey law requires those seeking licensure in the practice of mortuary science to pass an examination to determine their fitness and qualification for licensure, which includes a range of subjects and practices such as anatomy, physiology, pathology, chemistry, disinfection, hygiene, sanitary science, bacteriology, dissection, the care, preservation, embalming, transportation, and burial, cremation or other disposal of dead human bodies, the signs of death and the manner in which death may be determined, applicable laws and rules governing vital statistics, preparation and transportation for

burial or other disposal of dead human bodies, the provisions of mortuary science law and related rules and regulations adopted by the board, professional ethics, and mortuary accounting.

In 2013, the organization that administers the examination began investigating allegations that there was a concerted effort by a test preparation company to gather examination materials, including questions, and share them with students. The organization subsequently invalidate the examination scores of licensees whose test results were called into question due to the implications of its investigation, including a number in New Jersey.

The Board is aware of these facts and has already taken action that would allow license retention without disciplinary action for those affected New Jersey individuals whose examination scores were invalidated, in some cases many years after passage, by the testing organization following the results of its investigation. Trying to balance the interests of fairness to now-established licensees with its obligation to protect the public health, safety and welfare by ensuring that only properly qualified individuals are licensed to engage in the practice of mortuary science in New Jersey, the Board offered the affected individuals certain remedial options to resolve the concerns raised by the test score invalidation, initially offering them the choice of re-taking and passing the examination or completing certain additional continuing education requirements by December 31, 2019. Subsequently, the Board voted to offer affected individuals the additional specific alternative of requesting an investigative inquiry before the Board, at which the individual would be provided with an opportunity to address information the Board received from the testing organization regarding the invalidation of that

individual's test score and any allegations of cheating or other inappropriate conduct. Depending on the findings, this investigative inquiry could result in possible disciplinary action or closure of the matter with no further proceedings.

In contrast, under the bill, implicated licensees are not obligated to take corrective action or request an inquiry, but are instead presumed to have successfully passed all required examinations, despite the invalidation of the scores at issue. Under the formulation that would be established by the bill, if the Board wished to determine that an applicant for a license has obtained a certificate, registration, license, or authorization to sit for an examination through "fraud, deception, or misrepresentation," N.J.S.A. 45:1-21, as allegedly happened here, the Board would be required to allow licensees to dispute their involvement in the controversy before it finds them in violation of the statutory requirements. Thus, even licensees who initially pass the examination but whose scores are subsequently invalidated due to the discovery of cheating, misconduct or other irregularities, rendering them unable to meet the statutory requirements for licensure, would be entitled to a presumption that allows them to hold themselves out to the public as duly qualified to practice mortuary science. I cannot sign into law a provision that, however well-intentioned, may serve to undercut the integrity of the profession and has the potential to reward those who do not play by the rules to obtain licensure. Fortunately, in light of the Board's actions to afford the affected individuals appropriate remedial relief, the need for this kind of provision has been obviated.

While the bill contains other practical updates to the mortuary science licensure requirements, the provision requiring presumption of passage is misguided and unnecessary in light of the Board's reasonable resolution.

Therefore, I herewith return Senate Bill No. 3465 and recommend that it be amended as follows:

Page 4, Section 1, Lines 2-14: Delete in their entirety
Pages 4, Section 1, Line 15: Delete "(c)" and insert "(b)"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor



Newark, N.J.

Governor Murphy Takes Action on Legislation

05/13/2019

A809 (Andrzejczak, Houghtaling, Taliaferro, Mazzeo, Space/Van Drew, Cruz-Perez) – Revises law concerning alternate members for farmers on State Agriculture Development Committee.

[Copy of Statement on A809](#)

A5000 (Mosquera, Reynolds-Jackson, Wimberly/Singleton, Oroho, Addiego) – Requires DCA to produce and maintain database and interactive map concerning residential properties under foreclosure; increases certain recording fees as funding mechanism.

[Copy of Statement on A5000](#)

S362 (Rice/Sumter, Jasey, Reynolds-Jackson) – Provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings.

[Copy of Statement on S362](#)

S1758 (Weinberg, Ruiz/Murphy, Benson, Zwicker) – Codifies donated leave program for State employees in career, senior executive, and unclassified service.

[Copy of Statement on S1758](#)

S1967 (Sweeney, Madden/Jasey, Taliaferro, Benson) – Concerns certain workers' compensation supplemental benefits.

[Copy of Statement on S1967](#)

S2475 (Sweeney, Pou/Coughlin, McKeon, DeCroce, Murphy) – Prohibits application of fiduciary standard to insurance producers; specifies qualifications of persons providing affidavit of merit in lawsuits against insurance producers.

[Copy of Statement on S2475](#)

S3240 (Singer, Scutari/Armato, Mukherji, Murphy, Kean, Calabrese, Thomson) – “Charlie's Law”; requires pharmacy practice sites and hospice programs to furnish patients with information and products to safely dispose of unused prescription drugs and medications.

[Copy of Statement on S3240](#)

S3369 (Scutari/Munoz, Webber, Holley) – Prohibits all locally elected officials from receiving retroactive salary increases.

[Copy of Statement on S3369](#)

S3375 (Ruiz, Greenstein/Carter, Chaparro, Vainieri Huttle) – Establishes maternal health care pilot program to evaluate shared decision-making tool developed by DOH and used by hospitals providing maternity services, and by birthing centers.

[Copy of Statement on S3375](#)

S3465 (Pou, Kean/Bramnick, Jimenez, Carter) – Revises requirements for examination and license to practice mortuary science.

[Copy of Statement on S3465](#)

Governor Murphy absolute vetoed the following bill:

S1246 (Rice, Cunningham/Sumter, Murphy, Downey) – Requires NJTA to implement certain roadside maintenance safety policies.

[Copy of Statement on S1246](#)

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Governor Murphy Takes Action on Legislation

06/21/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S1758 w/GR (Weinberg, Ruiz/Murphy, Benson, Zwicker) – Codifies donated leave program for State employees in career, senior executive, and unclassified service.

S3465 w/GR (Pou, Kean/Bramnick, Jimenez, Carter) – Revises requirements for examination and license to practice mortuary science.