

# **Title 10 MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS**

### **Chapter 09 Requirements for Apprenticeship**

#### **10.29.09.00 Requirements for Apprenticeship**

Authority: Health Occupations Article, §§7-101, 7-205, 7-305, and 7-306, Annotated Code of Maryland

#### **10.29.09.01 Scope.**

This chapter sets forth specific criteria which an apprentice shall meet before becoming a licensed mortician or funeral director in Maryland.

#### **10.29.09.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

1. "Apprentice" means an individual licensed by the Board who assists and is employed at the same licensed Maryland establishment as the sponsor of the apprentice, and is under the direct supervision of a licensed Maryland mortician or funeral director.
2. "Apprentice sponsor" means a mortician or funeral director who:
  - a. Has been in good standing with the Board for the previous 5 years;
  - b. Has been practicing mortuary science as a licensed mortician or funeral director in Maryland at least 5 years immediately before accepting the apprentice;
  - c. Manages, owns, or is employed by a licensed funeral establishment in Maryland in which the licensed apprentice is employed;
  - d. Is responsible for the direct supervision of 1,000 hours of work with the apprentice; and
  - e. Assumes responsibility on their individual license for the delegate or apprentice's conduct, whether it is consistent or fails to be consistent with the professional standards and provisions set forth in Health Occupations Article, Title 7, Annotated Code of Maryland.
3. "Board" means the State Board of Morticians and Funeral Directors.
4. "Committal services" means a ritual conducted at the graveside or crematory following a funeral held at a location other than a cemetery or crematory.
5. "Delegate" means a licensed mortician or a licensed funeral director employed by the same licensed funeral establishment as the apprentice sponsor and to whom the apprentice sponsor delegates direct supervision.
6. "Direct supervision" has the same meaning as in Health Occupations Article, §7-306(e)(3), Annotated Code of Maryland.
7. "Graveside services" means any program or rituals conducted at the cemetery or crematory on behalf of a decedent instead of one conducted at a funeral home or place of worship.
8. "Licensed apprentice" means an apprentice who is licensed by the Board to assist the apprentice sponsor or a licensee delegated by the sponsor to provide direct supervision.
9. "Licensed funeral director" means a funeral director who is licensed by the Board to practice all aspects of mortuary science except embalming.
10. "Licensed mortician" means a mortician who is licensed by the Board to practice mortuary science.

#### **10.29.09.03 Requirements of Apprenticeship.**

- A. To meet the apprentice requirements set forth in Health Occupations Article, §7-306, Annotated Code of Maryland, an applicant for a mortician's or funeral director's license shall be:
  - 1. Employed in the same Maryland establishment as the applicant's sponsor or the sponsor's delegate; and
  - 2. Serve under the direct supervision of the applicant's sponsor or the sponsor's delegate.
- B. Applicants shall obtain practical experience in funeral service arrangements, including:
  - 1. 20 funeral directions, including at least four of each of the following:
    - a. A pre-need arrangement;
    - b. An at-need arrangement for burial;
    - c. A cremation arrangement; and
    - d. A cemetery transfer with a service; and
  - 2. 1,000 hours worked under the direct supervision of the apprentice sponsor or the sponsor's delegate.
- C. An applicant for a mortician's license shall obtain practical experience in funeral service arrangements consisting of:
  - 1. Participation in the activities outlined in §B of this regulation; and
  - 2. 20 embalmings under the direct supervision of the sponsor or the sponsor's delegate.

**10.29.09.04 Documentation.**

- A. An apprentice shall submit documentation to the Board of completion of the following requirements to be considered for a mortician's license:
  - 1. Certified transcripts of completion of educational requirements as set forth in Health Occupations Article, §7-306, Annotated Code of Maryland;
  - 2. On the mortician application form provided by the Board, evidence of participation in:
    - a. 20 embalming assists with corresponding copies of the filed death certificates for the embalmed human remains; and
    - b. 20 funeral direction assists, as specified in Regulation .03B(1) of this chapter, with a corresponding published notice of the service for each of the at least 20 decedents and a copy of the filed death certificate;
  - 3. A notarized statement signed by the apprentice and the apprentice sponsor verifying the completion of 1,000 hours worked under the direct supervision of the apprentice sponsor;
  - 4. Embalming reports signed by the apprentice and apprentice sponsor to document the apprentice's participation in 20 embalmings; and
  - 5. Documentation on a form provided by the Board and signed by the apprentice and apprentice sponsor or the sponsor's delegate of participation in at least four of each of the following:
    - a. A pre-need arrangement;
    - b. An at-need arrangement for burial;
    - c. A cremation arrangement; and
    - d. A cemetery transfer with a service.
- B. An apprentice shall submit documentation to the Board of completion of the following requirements to be considered for a funeral director's license:
  - 1. Certified transcripts of completion of educational requirements as set forth in Health Occupations Article, §7-306, Annotated Code of Maryland;
  - 2. On the funeral director application form provided by the Board, evidence of participation in 20 funeral assists; and
  - 3. A notarized statement signed by the apprentice and the apprentice sponsor verifying the completion of:
    - a. 20 funeral directions, including at least four of each of the following:

- i. A pre-need arrangement;
  - ii. An at-need arrangement for burial;
  - iii. A cremation arrangement; and
  - iv. A cemetery transfer with a service; and
- b. 1,000 hours worked under the direct supervision of the apprentice sponsor or sponsor's delegate.

**10.29.09.05 Embalming Requirements for Mortuary Science Apprenticeship.**

- A. If the apprentice sponsor has more than one apprentice, unless otherwise approved by the Board, only one apprentice may receive credit on the same human remains if more than one apprentice assisted the apprentice sponsor.
- B. Applicants for an apprenticeship who are studying to be funeral directors are exempt from the practical aspects of embalming.

**10.29.09.06 Commencement of Apprenticeship.**

- A. The apprentice and the apprentice sponsor or sponsors shall appear before the Board and receive the Board's approval of the apprenticeship before the apprenticeship commences.
- B. The apprentice and the apprentice sponsor shall sign an agreement with the Board to adhere to the conditions and requirements of apprenticeship before the apprenticeship commences.
- C. The apprentice may have no more than two sponsors who shall attest to the Board what each sponsor is responsible for teaching the apprentice.
- D. The apprentice sponsor shall assume responsibility on their individual license for the delegate or apprentice's conduct, whether it is consistent or fails to be consistent with the professional standards and provisions set forth in Health Occupations Article, Title 7, Annotated Code of Maryland.

**10.29.09.07 Termination of Apprenticeship.**

- A. The sponsor and the apprentice shall submit a notarized statement indicating the:
  - 1. Name of each decedent for whom a funeral arrangement was conducted in which the apprentice assisted;
  - 2. Date of each assisted funeral arrangement;
  - 3. Name of each decedent for whom an embalming was conducted in which the apprentice who is studying to be a mortician assisted; and
  - 4. Date of each assisted embalming.
- B. In order for an apprentice to receive credit for the required funeral assists and embalmings, the apprentice shall submit a notarized statement to the Board which reflects the number of assisted funeral arrangements and assisted embalmings completed within 30 days of termination of the apprenticeship to the Board.
- C. In order for the apprentice studying to be a funeral director to receive credit for the required funeral assists, the apprentice shall submit a notarized statement to the Board which reflects the number of assisted funeral arrangements completed within 30 days of termination of the apprenticeship.
- D. Documentation by the apprentice and apprentice sponsor shall be independently submitted to the Board within 30 days of the date of termination of the apprentice sponsor and apprentice relationship as noted in Health Occupations Article, §7-306(c)(4), Annotated Code of Maryland.
- E. The Board shall maintain the documentation of apprenticeship requirements for 3 years after the date of termination as noted in §B of this regulation and apply the apprenticeship requirements to the individual seeking a mortician's license.

- F. After 3 years from the date of submission of the documentation by the apprentice to the Board, the Board may not apply credit for the apprenticeship unless an individual petitions the Board to do so citing unusual circumstances which the Board may decide on a case-by-case basis.

#### **10.29.09.08 Laws and Regulations.**

All licensed apprentices shall become competent in the knowledge of Maryland and federal laws and regulations as they apply to the funeral profession.

#### **10.29.09.09 Waiver of Apprenticeship Requirements.**

- A. A mortician or funeral director who is licensed by another state and who is in good standing with the state of licensure may apply in writing to the Board for a waiver of the examination and apprenticeship requirements under Health Occupations Article, §7-303, Annotated Code of Maryland..
- B. The Board may issue a mortician or funeral director license to an applicant who is licensed to practice mortuary science or funeral direction in any other state if the applicant:
  - 1. Is a licensed mortician, funeral director, or other equivalent health care occupation in good standing and has practiced continuously in the state of licensure as a mortician for at least 5 years preceding the waiver request;
  - 2. Serves an apprenticeship consisting of at least 1,000 hours in Maryland and documents that apprenticeship to the Board, or has served an apprenticeship of at least 1,000 hours in the applicant's state of initial licensure;
  - 3. Passes the Maryland law portion of the written examination administered by the Board; and
  - 4. Pays the fees required as specified in COMAR 10.29.04.
- C. The Board may grant a waiver only if the state in which the applicant is licensed:
  - 1. Grants a similar waiver to Maryland licensees; and
  - 2. Has standards for a mortician or funeral director license that are not lower than those of this State.

#### **10.29.09.10 Change in the Apprenticeship.**

- A. If the apprentice sponsor and apprentice relationship changes, both the apprentice and the apprentice sponsor shall notify the Board of the termination of the apprenticeship in writing and document to the Board in affidavit form the number of hours worked and the funeral arrangements and embalming assists participated in by the apprentice as of the date of termination as noted in Regulation .07 of this chapter.
- B. If the apprentice obtains a new sponsor, both the apprentice and the new sponsor shall appear before the Board to obtain approval of the apprenticeship before the apprenticeship commences.

#### **10.29.09.11 General Requirements.**

- A. Education.
  - 1. The applicant shall submit to the Board a certified copy of a high school diploma, G.E.D., or a certified transcript of any post high school degree received.
  - 2. Before an applicant appears before the Board for approval of an apprentice license, the applicant shall be enrolled in or have graduated from a mortuary science program at a school accredited by the American Board of Funeral Service or approved by the Board, with a 2.0 or higher grade point average that is verified with a certified copy of the college transcript, if the applicant has a grade point average.

3. A licensed apprentice who was enrolled in a mortuary science program at the time the license was granted shall remain enrolled in the program for the duration of the apprenticeship unless the licensed apprentice graduates.
4. The applicant shall appear before the Board with a sponsor who:
  - a. Holds a current valid mortician or funeral director license in Maryland; and
  - b. Is employed by the same funeral home that employs the apprentice.
- B. Except as otherwise provided for in Regulation .12 of this chapter, the mortician's apprentice shall obtain an Associate of Arts (AA) Degree in Mortuary Science or its equivalent from a school recognized by the Board within 3 years of commencing the apprenticeship.
- C. Except as otherwise provided for in Regulation .12 of this chapter, the funeral director's apprentice shall obtain an Associate of Arts (AA) degree in funeral service or its equivalent from a school recognized by the Board within 3 years of commencing the apprenticeship.
- D. The 3 years of apprenticeship shall consist of:
  1. The initial year of apprenticeship licensure; and
  2. Two consecutive apprenticeship licensure renewals.
- E. The applicant shall:
  1. Apply for apprenticeship on the form required by the Board; and
  2. Pay the fee as specified in COMAR 10.29.04.

#### **10.29.09.12 Renewals and Extensions.**

- A. An apprentice may renew the apprenticeship license by submitting a renewal application on the form required by the Board.
- B. An apprentice may renew the apprenticeship license annually for not more than 2 consecutive years.
- C. If after 4 years, consisting of the initial license as an apprentice and two consecutive renewals, the apprentice has not completed the requirements of the apprenticeship, the apprentice may submit to the Board a written request for an extension which the Board may grant upon good cause shown.
- D. If the apprentice fails to obtain the AA degree in mortuary science or an AA degree in funeral service from a school recognized by the Board or fails to meet any other apprenticeship requirements specified in this chapter within 3 years of the commencement of the apprenticeship, the apprentice may apply for an extension of the apprenticeship which the Board may grant for good cause shown.
- E. The Board may not grant more than two extensions to an apprentice.
- F. An apprentice requesting a renewal or extension of the apprenticeship shall pay the fee specified in COMAR 10.29.04 to the Board..
- G. An apprentice requesting an extension shall submit a copy of the transcript from the mortuary science course, funeral service course, or school of higher education to verify pursuit of the educational requirement.
- H. An apprentice who has allowed the apprentice's apprenticeship license to lapse for more than 6 months from the expiration date on the license and who desires to resume the apprenticeship shall appear before the Board with the sponsor and provide documentation of the:
  1. Reasons for allowing the apprenticeship license to lapse; and
  2. Requirements of apprenticeship which have been met to date.
- I. The Board may approve a new period of apprenticeship crediting the number of hours worked and the funeral or embalming assists earned under the prior apprenticeship to the new apprenticeship.

#### **10.29.09.13 Examinations.**

An apprentice may take the examination administered by the Board at any time during the apprenticeship.

#### **10.29.09.14 Prohibitions.**

- A. An apprentice may not assist a mortician or funeral director unless both individuals have current licenses.
- B. An apprentice may participate in making funeral arrangements with the sponsor or the sponsor's delegate, but may not make funeral arrangements, including pre-need funeral arrangements, embalm human remains, or conduct funerals, including graveside or committal services, unless the apprentice is under the direct supervision of the sponsor or the sponsor's delegate.
- C. An apprentice may not sign a funeral establishment contract.
- D. An apprentice may not advertise as a provider of funeral services in Maryland.
- E. An apprentice may not sign at-need contracts.
- F. A sponsor may not sponsor more than two apprentices at the same time.

#### **10.29.09.9999 Administrative History**

Effective date: May 20, 1996 (23:10 Md. R. 732)

Regulation .01 amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .02 amended effective January 7, 2002 (28:26 Md. R. 2273)

Regulation .02B amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .02B amended effective September 7, 2009 (36:18 Md. R. 1380); August 28, 2017 (44:17 Md. R. 835)

Regulation .03 amended effective January 7, 2002 (28:26 Md. R. 2273); August 28, 2017 (44:17 Md. R. 835); May 18, 2020 (47:10 Md. R. 518)

Regulation .03A, C amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .03B amended effective December 24, 2012 (39:25 Md. R. 1613)

Regulation .04 amended effective January 7, 2002 (28:26 Md. R. 2273)

Regulation .04 amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .04 amended effective August 28, 2017 (44:17 Md. R. 835); May 18, 2020 (47:10 Md. R. 518)

Regulation .04A amended effective December 24, 2012 (39:25 Md. R. 1613)

Regulation .05 amended effective January 7, 2002 (28:26 Md. R. 2273); August 28, 2017 (44:17 Md. R. 835)

Regulation .05A amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .05D adopted as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); adopted permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .06 amended effective August 28, 2017 (44:17 Md. R. 835)

Regulation .06C adopted effective September 7, 2009 (36:18 Md. R. 1380)

Regulation .07 amended effective January 7, 2002 (28:26 Md. R. 2273)

Regulation .07 amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .09 amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .09 amended effective December 29, 2008 (35:26 Md. R. 2250)

Regulation .10 amended effective January 7, 2002 (28:26 Md. R. 2273)

Regulation .11 amended effective January 7, 2002 (28:26 Md. R. 2273)

Regulation .11 amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .11A amended effective April 4, 2022 (49:7 Md. R. 466)

Regulation .11E amended effective August 28, 2017 (44:17 Md. R. 835)

Regulation .12 amended effective January 7, 2002 (28:26 Md. R. 2273)

Regulation .12D, G amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .14A amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

Regulation .14B, C amended effective August 28, 2017 (44:17 Md. R. 835)