

By: Raymond

H.B. No. 1219

A BILL TO BE ENTITLED

AN ACT

relating to a provisional license to practice funeral directing or embalming.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 651.302, Occupations Code, is amended to read as follows:

Sec. 651.302. APPLICATION; ISSUANCE OF PROVISIONAL LICENSE. (a) The commission shall issue a provisional license to practice funeral directing to an applicant who:

(1) is at least 18 years of age;

(2) has completed the educational requirements of Section 651.253 or is enrolled in an accredited school or college of mortuary science;

(3) is employed by a funeral establishment ~~[director]~~ to learn funeral directing ~~[or embalming]~~ under the instruction and supervision of a ~~[the]~~ funeral director;

(4) files an application for a provisional license on a form provided by the commission and verified under oath by the applicant; ~~[and]~~

(5) pays any required application or license fee; and

(6) complies with the requirements of this chapter and of the commission.

(b) The commission shall issue a provisional license to practice embalming to an applicant who:

(1) is at least 18 years of age;

(2) has completed the educational requirements of Section 651.253 or is enrolled in an accredited school or college of mortuary science;

(3) is employed by a funeral establishment or commercial embalming facility to learn embalming under the instruction and supervision of an embalmer;

(4) files an application for a provisional license on a form provided by the commission and verified under oath by the applicant;

(5) ~~[(4)]~~ pays any required application or license fee; and

(6) ~~[(5)]~~ complies with the requirements of this chapter and of the commission.

(c) The commission may waive the requirements of Subsection (a)(2) or (b)(2) for a period not to exceed 12 months and issue to an applicant a provisional license that expires at the end of that period.

(d) An applicant must submit to a criminal background check before submitting an application for a license.

SECTION 2. Section 651.303, Occupations Code, is amended by adding Subsections (a-1) and (e-1) to read as follows:

(a-1) A provisional license holder may work only:

(1) in a funeral establishment or commercial embalming facility licensed by the commission; and

(2) under the direct and personal supervision of a funeral director or embalmer, as applicable.

1        (e-1) The commission by rule shall prescribe case reporting  
2 requirements for provisional license holders. The commission shall  
3 provide case report forms to be used by a provisional license  
4 holder.

5        SECTION 3. The heading to Section 651.304, Occupations  
6 Code, is amended to read as follows:

7        Sec. 651.304. EMPLOYMENT NOTIFICATION ~~[REPORTS]~~.

8        SECTION 4. Section 651.304, Occupations Code, is amended by  
9 amending Subsections (a) and (d) and adding Subsection (b) to read  
10 as follows:

11        (a) On entering employment with a funeral establishment or  
12 commercial embalming facility ~~[director or embalmer]~~, a  
13 provisional license holder shall immediately notify the commission  
14 of the name of the establishment or facility where ~~[and place of~~  
15 ~~business of the funeral director or embalmer under whom]~~ the  
16 provisional license holder will train. The funeral director or  
17 embalmer in charge must ~~[shall]~~ sign the notification.

18        (b) A provisional license holder must be employed by a  
19 funeral establishment or commercial embalming facility, as  
20 applicable, during the term of the provisional license. If a  
21 provisional license holder is not employed as required by this  
22 subsection, the commission shall cancel the provisional license.

23        (d) If a provisional license holder leaves the employment of  
24 the funeral establishment or commercial embalming facility ~~[a~~  
25 ~~funeral director or embalmer]~~, the funeral director or embalmer in  
26 charge shall prepare an affidavit showing the length of time the  
27 provisional license holder was employed and the number of cases

1 handled while employed by the funeral establishment or facility  
2 ~~[director or embalmer]~~. The funeral director or embalmer shall  
3 file the original affidavit ~~[shall be filed]~~ with the commission as  
4 ~~[and made]~~ a matter of record. The funeral director or embalmer  
5 shall provide a [A] copy of the affidavit ~~[shall be furnished]~~ to  
6 the provisional license holder.

7 SECTION 5. Subchapter G, Chapter 651, Occupations Code, is  
8 amended by adding Section 651.3045 to read as follows:

9 Sec. 651.3045. TERM OF PROVISIONAL LICENSE. (a) Except as  
10 provided by Subsection (c), a provisional license is valid for 12  
11 consecutive months and may be renewed only once for a period not to  
12 exceed an additional 12 consecutive months.

13 (b) The commission shall cancel a provisional license if the  
14 license holder fails to complete the licensing requirements of the  
15 provisional license program within 24 consecutive months.

16 (c) If a provisional license holder holds a provisional  
17 license issued under Section 651.302(c), the provisional license  
18 may be renewed for a period not to exceed 24 consecutive months and  
19 the provisional license holder must complete the licensing  
20 requirements of the provisional license program within 36  
21 consecutive months.

22 SECTION 6. Section 651.305, Occupations Code, is amended by  
23 amending Subsections (c) and (d) and adding Subsections (d-1),  
24 (d-2), and (d-3) to read as follows:

25 (c) If a provisional license holder fails to renew the  
26 provisional license ~~[timely pay the renewal fee]~~, the commission  
27 shall:

(1) impose a late payment penalty equal to the amount of the license renewal fee;

(2) suspend the license for nonpayment; and

(3) notify the provisional license holder of the suspension.

(d) If the renewal fee and penalty are not paid before the 91st day after the date of the notice of suspension, the commission shall cancel the license.

(d-1) If the license is canceled under Subsection (d) [this subsection], the provisional license holder may apply for reinstatement not later than the date the license would have expired if the license had been renewed [not later than 18 months after the date of cancellation]. The commission may reinstate the canceled license if:

(1) all other commission requirements are satisfied; and

(2) the license fee and a late payment penalty equal to the amount of the license fee for the period of the cancellation are paid.

(d-2) A reinstated license expires on the date the license would have expired if the license had been timely renewed.

(d-3) A provisional license holder may not work as a funeral director or embalmer while the license is suspended or canceled.

SECTION 7. Subchapter G, Chapter 651, Occupations Code, is amended by adding Section 651.3055 to read as follows:

Sec. 651.3055. REAPPLICATION FOR PROVISIONAL LICENSE. (a) A person who does not complete the provisional license program

1 within the prescribed period may reapply for a provisional license.

2 (b) A person who reapplies for a provisional license must  
3 comply with the requirements of Section 651.303. Casework performed  
4 under a previous provisional license may not be counted toward the  
5 requirements for the new provisional license. The commission may  
6 adopt rules to allow casework performed under a previous  
7 provisional license to transfer to a new provisional license if the  
8 license holder requests a hardship exemption.

9 (c) A person may reapply for a provisional license under  
10 this section only once.

11 SECTION 8. The following sections of the Occupations Code  
12 are repealed:

13 (1) Sections 651.303(b) and (c);

14 (2) Section 651.304(e); and

15 (3) Sections 651.305(e) and (f).

16 SECTION 9. This Act takes effect September 1, 2015.