

This is an amendment to 16.64.3 NMAC, Sections 3, 6, 7 and 8, effective 12/28/2021.

16.64.3.3 STATUTORY AUTHORITY: ~~[16.64.3 NMAC is issued pursuant to the Funeral Services Act, Sections 61-32-2, 61-32-4, 61-32-6, 61-32-7, 61-32-9, 61-32-10, 61-32-11, 61-32-14, 61-32-15, 61-32-16 and 61-32-17 NMSA 1978.]~~ These rules are promulgated pursuant to the Funeral Services Act, Chapter 61, Article 32 NMSA 1978.

[6/15/1996; 16.64.3.3 NMAC - Rn, 16 NMAC 64.3.3, 9/15/2001; A, 8/8/2012; A, 12/28/2021]

16.64.3.6 OBJECTIVE: 16.64.3 NMAC ~~[is to establish]~~ establishes the requirements ~~[pertaining to application for licensure and academic requirements]~~ for professional licensure under the New Mexico Funeral Services Act.

[6/15/1996; 16.64.3.6 NMAC - Rn, 16 NMAC 64.3.6, 9/15/2001; A, 8/8/2012; A, 12/28/2021]

16.64.3.7 DEFINITIONS:

A. “Accredited college or university” means ~~[a college or university]~~ an institution that was accredited by the American board of funeral service education (ABFSE) at the time of the applicant's graduation or completion of the required funeral service education courses.

B. [RESERVED]

[6/15/1996; 16.64.3.7 NMAC - Rn & A, 16 NMAC 64.3.7, 9/15/2001; A, 8/8/2012; A, 10/6/2012, A, 12/28/2021]

16.64.3.8 APPLICATIONS:

A. An applicant applying for a funeral service intern license must:

- (1) submit a completed application form supplied by the board office;
- (2) pay applicable fees as set forth in 16.64.2.8 NMAC;
- (3) submit satisfactory evidence that the applicant is at least 18 years of age;
- (4) submit satisfactory evidence that the applicant has graduated from high school or the equivalent;
- (5) submit satisfactory proof of employment and proof of supervision;
- (6) successfully complete the jurisprudence examination outlined in Subsection B of

16.64.5.9 NMAC;

(7) submit a release of information form directly to the Department of public safety with fees as required by the Department of public safety; and
(8) provide proof of any disqualifying criminal convictions as defined in 16.64.11.14 NMAC.

B. An applicant applying for a direct disposer license in the state of New Mexico must:

- (1) submit a completed application form supplied by the board office;
- (2) pay applicable fees as set forth in 16.64.2.8 NMAC;
- (3) submit satisfactory evidence that the applicant is at least 18 years of age;
- (4) successfully complete the jurisprudence examination outlined in Subsection B of

16.64.5.9 NMAC;

(5) submit satisfactory evidence that the applicant has obtained an associate's degree in funeral science requiring the completion of at least 60 semester hours from an institution whose funeral program is accredited by the American board of funeral service education or any other successor institution offering funeral service education recognized by the United States government;

(6) submit a release of information form directly to the Department of public safety with fees as required by the Department of public safety; and
(7) provide proof of any disqualifying criminal convictions as defined in 16.64.11.14 NMAC.

C. An applicant applying for an embalming license in the state of New Mexico must:

- (1) submit a completed application form supplied by the board office;
- (2) pay applicable fees as set forth in 16.64.2.8 NMAC;
- (3) submit satisfactory evidence that the applicant is at least 18 years of age;
- (4) submit satisfactory evidence that the applicant has served as a licensed funeral service

intern for not less than 12 months, under the supervision of a licensed funeral service practitioner. During this training period, the applicant shall have assisted in making of at least 50 funeral arrangements, and the directing of at least 50 funerals;

(5) submit satisfactory evidence that the applicant has obtained an associate's degree in funeral science requiring the completion of at least 60 semester hours from an institution whose funeral program is accredited by the American board of funeral service education or any other successor institution offering funeral service education recognized by the United States government;

(6) submit satisfactory evidence that the applicant has passed the science section of the national board examination;

(7) successfully complete the jurisprudence examination outlined in Subsection B of 16.64.5.9 NMAC;

(8) submit a release of information form directly to the department of public safety with fees as required by the department of public safety; and

(9) provide proof of any disqualifying criminal convictions as defined in 16.64.11.14 NMAC.

D. An Applicant applying for a funeral arranger license in the state of New Mexico must:

(1) submit a completed application form supplied by the board office;

(2) pay applicable fees as set forth in 16.64.2.8 NMAC;

(3) submit satisfactory evidence that the applicant is at least 18 years of age;

(4) submit satisfactory evidence that the applicant has served as a licensed funeral service intern for not less than 12 months, under the supervision of a licensed funeral service practitioner. During this training period, the applicant shall have assisted in making of at least 50 funeral arrangements, and the directing of at least 50 funerals;

(5) submit satisfactory evidence that the applicant has obtained an associate's degree in funeral science requiring the completion of at least 60 semester hours from an institution whose funeral program is accredited by the American board of funeral service education or any other successor institution offering funeral service education recognized by the United States government;

(6) submit satisfactory evidence that the applicant has passed the arts section of the national board examination;

(7) successfully complete the jurisprudence examination outlined in Subsection B of 16.64.5.9 NMAC;

(8) submit a release of information form directly to the department of public safety with fees as required by the department of public safety; and

(9) provide proof of any disqualifying criminal convictions as defined in 16.64.11.14 NMAC.

E. An applicant applying for a funeral service practitioner license must:

(1) submit a completed application form supplied by the board office;

(2) pay applicable fees as set forth in 16.64.2.8 NMAC;

(3) submit satisfactory evidence that the applicant is at least 18 years of age;

(4) submit satisfactory evidence that the applicant has served as a licensed funeral service intern for not less than 12 months, under the supervision of a licensed funeral service practitioner. During this training period, the applicant shall have assisted in embalming at least 50 bodies, making of at least 50 funeral arrangements, and the directing of at least 50 funerals;

(5) submit satisfactory evidence that the applicant has obtained an associate's degree in funeral science requiring the completion of at least 60 semester hours from an institution whose funeral program is accredited by the American board of funeral service education or any other successor institution offering funeral service education recognized by the United States government;

(6) submit satisfactory evidence that the applicant has passed both sections of the national board examination;

(7) successfully complete the jurisprudence examination outlined in Subsection B of 16.64.5.9 NMAC;

(8) submit a release of information form directly to the department of public safety with fees as required by the department of public safety; and

(9) provide proof of any disqualifying criminal convictions as defined in 16.64.11.14 NMAC.

F. An applicant applying for an embalmer, funeral arranger or funeral practitioner license based on

credentials from another state must:

- (1) submit a completed application form supplied by the board office;
- (2) pay applicable fees as set forth in 16.64.2.8 NMAC;
- (3) submit a verification of licensure and good standing;
- (4) submit satisfactory evidence that the applicant has obtained an embalmer, funeral arranger or funeral practitioner license or one of the license equivalents, in a state or jurisdiction with equal or greater requirements than initial licensure in New Mexico;
- (5) submit satisfactory evidence that the applicant has passed the national board examination;
- (6) successfully complete the jurisprudence examination outlined in Subsection B of 16.64.5.9 NMAC;
- (7) submit a release of information form directly to the department of public safety with fees as required by the department of public safety; and
- (8) provide proof of any disqualifying criminal convictions as defined in 16.64.11.14 NMAC;

G. The board, in its sole discretion, may require an applicant for licensure to present whatever evidence or affidavits as it deems necessary to establish that the applicant is qualified for licensure.

H. The board may require applicants for licensure to personally appear before the board at the time the application is scheduled to be considered.

I. The burden of knowing and complying with the requirements necessary for licensure rests entirely on the applicant.

J. Applicants for licensure shall be required to provide evidence satisfactory to the board of completion of a course or other training approved by the board concerning contagious and infectious diseases, with the exception of:

- (1) funeral service practitioner applicants who have graduated from an accredited school of funeral service education within five years prior to application; and
- (2) funeral service intern applicants who are applying under general supervision, provided that the funeral service intern previously met the requirement of Subsection F of 16.64.3.8 NMAC at the time of application for funeral service intern licensure under direct supervision, and provided that the funeral service intern has actively maintained a license under direct supervision for no more than five years.

K. If the application for licensure is deemed to be incomplete when 12 months has elapsed from the date stamped on the application or document the application and documents will be deemed null and void and any fees paid will be forfeited. Application and documents for licensure submitted to the board will be considered filed as of the date stamped on the application or documents by the board office, which shall be the date received by the board.

[2/7/1976...6/15/1996, 1/22/1999; 16.64.3.8 NMAC - Rn & A, 16 NMAC 64.3.8, 9/15/2001; A, 04/02/2010; A, 10/6/2012; A, 11/1/2019; A, 12/28/2021]