

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 64 FUNERAL HOMES AND DISPOSERS
PART 3 REQUIREMENTS FOR LICENSURE

16.64.3.1 ISSUING AGENCY: New Mexico Board of Funeral Services.
[6/15/1996; 1/22/1999; 16.64.3.1 NMAC - Rn & A, 16 NMAC 64.3.1, 9/15/2001; A, 8/8/2012]

16.64.3.2 SCOPE: 16.64.3 NMAC applies to all applicants for licensure.
[6/15/1996; 16.64.3.2 NMAC - Rn, 16 NMAC 64.3.2, 9/15/2001]

16.64.3.3 STATUTORY AUTHORITY: 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]

16.64.3.4 DURATION: Permanent.
[6/15/1996; 16.64.3.4 NMAC - Rn, 16 NMAC 64.3.4, 9/15/2001]

16.64.3.5 EFFECTIVE DATE: September 26, 1993, unless a different date is cited at the end of a section.
[6/15/1996; 16.64.3.5 NMAC - Rn & A, 16 NMAC 64.3.5, 9/15/2001]

16.64.3.6 OBJECTIVE: 16.64.3 NMAC establishes the 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 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]

16.64.3.9 [RESERVED]

[5/15/1992...9/26/1996; 16.64.3.9 NMAC - Rn & A, 16 NMAC 64.3.9, 9/15/2001; Repealed, 8/8/2012]

16.64.3.10 PROVISIONS FOR EMERGENCY LICENSURE:

A. Funeral service practitioners currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following the declared disaster at no cost upon satisfying the following requirements:

- (1) receipt by the board of funeral services a completed application which has been signed and notarized and which is accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) requirements have been met as set forth in 16.64.3.8 NMAC, 16.64.3.9 NMAC, 16.64.5.9 NMAC, 16.64.6.8 NMAC, 16.64.6.9 NMAC and 16.64.6.10 NMAC.

(3) applicant shall provide a sworn affidavit that provides the name, address, years of employment and supervisors name;

(4) sworn affidavit that the applicant was personally and professionally affected by the disaster;

(5) verification of previous employment will be accepted from co-worker when it is impossible to obtain it from the employer;

(6) nothing in this section shall constitute a waiver of qualifications of the requirements for licensure contained in 16.64.3 NMAC.

B. The board may waive the application fee of \$50.00, licensure fee of \$150.00 only, but not the \$50.00 examination fee.

C. The board may waive the specific forms required under Subsection A of 16.64.3.8 NMAC only if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. Emergency provisional license shall expire four months from date of issue. Application for initial license shall be made on or before June 30, 2007 following the date of issue of the emergency provisional license.

E. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving the initial license.
[16.64.3.10 NMAC - N/E, 11/10/2005; A, 8/8/2012]

16.64.3.11 TERMINATION OF EMERGENCY LICENSE:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of an initial license under section 16.64.3 NMAC; or

(2) proof that the emergency license holder has engaged in fraud, deceit or misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.
[16.64.3.11 NMAC - N/E, 11/10/2005]

History of 16.64.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

Regulation 19, Academic Requirements for Licensure, 4/15/1992.

Reg. 7, Academic Requirements for Licensure, 8/27/1993.

History of Repealed Material: [RESERVED]