

(To be completed by proposal sponsor)

## **Part 1 – Proposal Overview**

### 1) State the profession/occupation

Cremator operator.

### 2) For existing professions, briefly describe the proposed statutory change in scope of practice and/or other license requirements. For currently unregulated professions, briefly describe the proposed scope of practice and/or other license requirements.

Currently, both licensed funeral directors and unlicensed individuals can perform cremations. Licensed funeral directors achieve a four-year degree in Mortuary Science focusing on embalming and cremation, pass the National Board Examination, pass the State Licensing Examination and then complete a one-year internship. This legislation contains two parts; the first part adds cremation to a three-hour required category of continuing education credits. For licensed funeral directors, this is one of three mandatory three-hour categories, with fifteen total credit hours required every other year. The second part pertains to unlicensed individuals performing cremations, requiring them to obtain a Crematory Operator Certification from an organization approved by the Commissioner of Health and maintain that certification every five years.

(To be completed by proposal sponsor)

## Part 2 – Proposal Details

(Please include evidence and citations, where available, to document responses.)

### A. Public Safety

- 1) Describe, using evidence, how the proposed scope and regulation ensures public safety?

The certification courses' curricula cover:

- combustion principles
- cremation and incinerator technology
- maintenance and troubleshooting
- operating cremation devices
- identification and the use of proper forms
- the record keeping process for documenting the chain of custody of human remains
- guidelines and procedures for recycling
- legal and regulatory requirements regarding environmental issues
- cremation ethics

Should this bill become law, the public can be assured that the individuals performing cremations have a basic level of knowledge in these areas.

- 2) Is there any research evidence the proposed change might endanger the public? Please cite.

No.

- 3) Describe proposed disciplinary measures to safeguard against unethical/unfit professionals. How can consumers access this information?

The Department of Health Mortuary Science Section currently regulates licensed funeral directors, licensed funeral establishments and licensed crematories. Current law states that it is the duty of the licensee to ensure unlicensed individuals are compliant with Chapter 149A.

## B. Regulation

- 1) If the services or individuals are currently unregulated, what is the proposed form of credentialing/regulation (licensure, certification, registration, etc.)? State the rationale for the proposed form/level of regulation.<sup>i</sup> If there is a lesser degree of regulation available, state why it was not selected.<sup>ii</sup>

Certification was selected. With the criteria for minimum education standards which the certifying organizations must meet, organizations such as the National Funeral Directors Association, the Cremation Association of North America and the International Cemetery, Cremation and Funeral Association would qualify. The unlicensed individuals will not need to register with the department, but they would need to publically post their certification at the crematory.

- 2) Describe if a regulatory entity/board currently exists or will be proposed. Does/will it have statutory authority to develop rules related to a changed/expanded scope or emerging profession, including authority to discipline practitioners, determine standards for training programs, assessment of practitioners' competence levels? If not, why not?<sup>iii</sup>

The Department of Health Mortuary Science Section currently regulates the licensees, who are responsible for the unlicensed individuals they employ.

- 3) Do other states apply regulatory oversight? If so, describe briefly.

Twenty-seven states require an operator or a technician working in a crematory to undergo training in order to be certified to operate the retort. Several of those states allow the technician to begin working at the crematory as long as training is completed within one year of employment. Typically, the training courses must either be approved by the state regulatory board or offered by an association whose program has been previously approved.

- 4) Is there consensus model legislation available at the national level? If so, which states have adopted it?

No.

- 5) Does the proposed scope conflict with the current scope of practice for other professions/practitioners? If so, describe the areas of conflict.

No.

## C. Education and Professional Supervision

- 1) Describe the training, education, or experience that will be required for this professional.

The individual must complete a certification course, either in-person or online. The completion of the course includes passing a test. The course must include the following subjects: combustion principles, maintenance and troubleshooting, operating cremation devices, identification and the use of proper forms, the record keeping process for documenting the chain of custody of human remains, guidelines and procedures for recycling, legal and regulatory requirements regarding environmental issues, and cremation ethics.

- 2) Describe any needed course of study and resulting credential. Is the education program available, or what is the plan to make it available? Is accreditation or other approval available or proposed for the education program?

Currently available national cremator operator certification programs are available. The National Funeral Directors Association, Cremation Association of North America, and the International Cemetery, Cremation and Funeral Association offer cremator operator certification programs and others may be approved by the commissioner if they meet the requirements of Sec. 2, Subd. 3, Para B, line 1.

- 3) What provisions exist or are being proposed to ensure that practitioners maintain competency in the provision of services?<sup>iv</sup>

The proposal requires a five year recertification and if recertification is not available, a minimum of seven hours of continuing education credits every five years.

- 4) Describe the recommended level/type of supervision for this practitioner— independent practice, collaborative practice (needing formal agreements), supervised practice? If this practitioner will be supervised, state by whom, the level, extent, nature, terms of supervision.<sup>v</sup>

Independent practice.

## D. Reimbursement and Fiscal Impact

- 1) Describe how and by whom will the new or expanded services be compensated? What costs and what savings would accrue and to whom (patients, insurers, payers)?

Payment models vary by employer. We can't say either way that this change will impact employee compensation.

- 2) Describe whether third party reimbursement is available for these services in other states? <sup>vi</sup>

NA.

- 3) What are the projected regulatory costs to state government, and how does the proposal include revenue to offset those costs?

There are already routine inspections on licensed cremation facilities; this proposal does not carry a cost.

- 4) Fiscal impact of the proposed bill:

No  Yes

If, yes, describe briefly and complete table below:

Fund (specify)	FY2017	FY2018	FY2019	FY2020
<b>Expenditure</b>	NA	NA	NA	NA

## E. Reporting

- 1) Describe the proposed frequency and content of progress reports to the legislature, including timeframes (2 years- 5 years- or 10-years).

No reports to the legislature are being proposed.

## F. Workforce Impacts

- 1) Describe what is known about the projected supply/how many individuals are expected to practice under the proposed scope?<sup>vii</sup> If possible, also note geographic availability (by county/economic development areas) of proposed providers/services. Cite any sources used.

Workforce data is not available, though the number of cremations in Minnesota increases every year. Looking back, in 1961 Minnesota's cremation rate was 1.8%, increasing to 15.8% by 1990, and surpassing 60% in 2017.

- 2) Describe, with evidence where possible, how the new/modified scope of practice will contribute to balancing the supply of the proposed services with the current/projected demand for these services.

From our discussions as an industry over the last two years, it is not expected that this new requirement of a certification every five years will impact the supply and demand for cremation.

- 3) Describe whether any other occupations perform the activities proposed? If so, describe how the proposed services are similar or complementary to those now performed by other occupations.

Licensed funeral directors and unlicensed individuals currently perform cremations. Going forward, both would continue to perform cremations, though unlicensed individuals would be required to obtain the certification.

## G. Access, Cost, Quality, Care Transformation Implications

- 1) Describe the unmet health care needs of the population that can be served under this proposal and how the proposal will contribute to meeting these needs. Describe how the proposed change will affect the availability, accessibility, cost, delivery, and quality of health care.

NA.

- 2) Please describe whether the proposed scope includes provisions to encourage or require practitioners to serve underserved populations.

NA.

- 3) Describe how this proposal is intended to contribute to:<sup>viii</sup>

- i) Interprofessional education and collaborative practice; NA.
- ii) The Triple Aim of improving the patient experience of care, improving the health of populations; and reducing the per capita cost of health care; and promotes health equity; NA.
- iii) Ensuring cultural agility and competence in the professionals; NA.
- iv) Incorporating new technologies such as telehealth and EHR use in its practice. NA.

## H. Proposal Supporters/Opponents

- 1) What organizations and groups have been involved in developing the proposal?

The Minnesota Funeral Directors Association, the Minnesota Department of Health Mortuary Science Section. The Mortuary Science Ad Hoc Committee (made up of funeral directors, cremator operators, funeral director interns, UMN Mortuary Science faculty, consumer advocates) has had an opportunity to weigh in on the proposal along with individual cemeteries and Cemetery Associations.

- 2) Note any associations, organizations, or other groups representing the occupation seeking regulation and the approximate number of members in each in Minnesota.<sup>ix</sup>

The Minnesota Funeral Directors Association, approximately 700 members.

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Minnesota Funeral Directors Association  
HF1025/SF1665  
Cremator Operator Certification proposal

- 3) Please describe the position professional associations of the impacted professions (including opponents) have taken regarding the proposal.<sup>x</sup>

The Minnesota Funeral Directors Association supports this legislation. At this point we are not aware of any groups opposing the legislation.

- 4) State what actions have been undertaken to minimize or resolve any conflict or disagreement with those opposing the proposal?<sup>xi</sup>

Cremator Operator certification, earlier proposals and this current proposal have been publically discussed at the Mortuary Science Ad Hoc committee from 2016, through 2017 and into 2018. Additionally, the proposal has been shared with individuals outside of the group and non-MFDA members in Minnesota. MFDA is not aware of opposition to the proposal.

(To be completed by proposal evaluators)

### Part 3- Proposal Summary Notes

**Bill # (if introduced):**

**Title:**

**Author(s):**

**Proposal Summary Notes:**

**Public Safety**

Review Notes:



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**Education and Supervision**

Review Notes:

**Reimbursement and Fiscal Impact**

Review Notes:

Fiscal impact of the proposed bill:

No

YEs

Fund (specify)	FY2017	FY2018	FY2019	FY2020
<b>Expenditure</b>				

If, yes, describe briefly:

**Workforce Impacts**

Review Notes:

**Access, Cost, Quality, Care Transformation Implications**

Review Notes:

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## Proposal Supporters and Opponents

Review Notes:

### Other

Does the bill promote health equity?

Does the bill positively impact my constituents?

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<sup>i</sup> Minnesota Health Occupation Review Program. Manual of Procedures for use by Occupations submitting proposals to the Minnesota Council of Health Boards. 2002. Available in hard copy upon request. See discussion on Credentialing Policy Guidelines – Part 4.

<sup>ii</sup> Minn Stat 214.002 Subd. 2. (3)

<sup>iii</sup> Federation of State Medical Boards. “Assessing Scope of Practice in Health Care Delivery: Critical Questions in assuring Public Access and Safety.” 2005

<sup>iv</sup> Federation of State Medical Boards. “Assessing Scope of Practice in Health Care Delivery: Critical Questions in assuring Public Access and Safety.” 2005

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<sup>viii</sup> These guiding principles were noted in a national consensus document produced by six national associations of state health licensing boards. These have been modified for the purposes of this draft. Association of Social Work Boards (ASWB), Federation of State Boards of Physical Therapy (FSBPT), Federation of State Medical Boards (FSMB), National Board for Certification in Occupational Therapy (NBCOT), National Council of State Boards of Nursing (NCSBN), and National Association of Boards of Pharmacy (NABP). *Changes in Healthcare Professions’ Scope of Practice: Legislative Considerations*, 2007, pp 8 – 10.

<sup>ix</sup> Minnesota Health Occupation Review Program. Manual of Procedures for use by Occupations submitting proposals to the Minnesota Council of Health Boards. 2002. Available in hard copy upon request

<sup>x</sup> Legislative Questionnaire for new or expanded regulation of health occupations. Submitted to the Minnesota Legislature by the Minnesota Advanced Practice Registered Nurse (APRN) in collaboration with the Minnesota Board of Nursing. January 29, 2014. This document includes more questions in addition to those required by Minn. Stat. 214.002. Only the new questions are included in the table.

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