



National Funeral Directors Association
*Informs *Educates *Advocates

2011 POLICY

EMERGENCY RECIPROCAL LICENSING FOR FUNERAL DIRECTORS AND EMBALMERS

NFDA Position

That NFDA and its state associations promote federal, state and local government policies that provide emergency reciprocity to any active licensed funeral director and/or embalmer in the event of a mass disaster situation

Background

States and the federal government already recognize the value and necessity of maintaining a high degree of preparedness for emergency situations. This type of policy would create a mechanism to enable a state, or if necessary the federal government, to rapidly deploy qualified licensed funeral professionals from around the country in emergency situations when the need arises.

Given the experiences of September 11, 2001, Hurricane Katrina and other natural or man-made mass fatality events, there is a compelling and vital public health need to ensure that funeral services and dispositions of human remains are able to occur in a timely and professional manner. On occasion, situations may arise that result in an extreme shortage of licensed funeral professionals in certain areas within a state or region. Such shortages could be created by, among other things, natural disasters; terrorist attacks; war; and widespread disease or epidemics. Consequently, it is in the public interest to allow licensed funeral professionals from other states or regions to offer and perform their services in the effected state or region as dictated by the circumstances and need.

Discussion

To ensure that all the public's needs for funeral-related services are met, the [licensing agency] of any state, or by a preemptive directive, the federal government, should have the authority to issue immediate temporary licenses to funeral directors, embalmers, and crematory operators who are validly licensed in other states. Although the licensing standards and requirements are not uniform throughout all 50 states, the professional skills required are essentially the same regardless of where a licensed funeral professional practices; therefore, the state should not make the procurement of a temporary license unduly time-consuming and burdensome, but rather should have the flexibility and ability to act expeditiously to meet the public need in emergency situations. This is made all the more important with the potential for an avian flu pandemic. In 2007, NFDA was successful in having included in the model state law adopted by the National Conference of Commissioners on Uniform State Laws entitled the "*Uniform Emergency Volunteer Health Practitioners Act*" a provision in the definition of Health Care Services

includes those who hold a valid license in “....*funeral, cremation, cemetery or other mortuary services*”. The model law was submitted to all 50 state legislatures for consideration in their various legislative sessions. The model law would provide reciprocal licensing for those in funeral service who volunteer in another state during emergencies. It also provides limited liability coverage for those volunteers as well as worker’s comp benefits. This is a major victory for funeral service. NFDA has provided this law to all our state associations so they can work for its passage in their respective state legislatures. We continue to work this issue at the federal level as well to insure that there is a federal preemption where a state fails to enact this model law.

NFDA Governance History:

2007: Committee Action 1/16/07; Policy Board Action 3/26/07

2008: Committee Action 1/14/08; Policy Board Action 3/10/08

2009: Committee Action 1/29/09; Policy Board Action 3/30/09

2010: Committee Action 1/20/10; Policy Board Action 3/08/10

2011: Committee Action 1/27/11; Policy Board Action 3/09/11

Attest: NFDA Policy Board (original resolution) Date: March 26, 2007 File Code: RES083/policyboard

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