

## NYS Health Regulation 77.2

### **Health 77.2 - Examinations.**

- (a) A candidate for examination shall submit evidence satisfactory to the department that such applicant:
- (1) has met the academic requirements for funeral director examination contained in section 77.1 of this Part; and
  - (2) is a citizen of the United States at the time of filing such application, or an alien lawfully admitted for permanent residence.
- (b) An applicant for examination, who has been convicted of a felony (by any court in this State or by any court of the United States or by any court of any other state of the United States, or of any crime of which such applicant shall have been convicted, by any court of the United States or of any other state, which is not a felony in the jurisdiction in which the conviction is had, but is a felony in the State of New York) or a misdemeanor, shall submit such documentation as the department may require to make a determination as to whether there is satisfactory evidence of the applicant's good moral character as required by section 3421(1) of the Public Health Law.
- (c) Where applicable, an applicant for examination shall submit supporting documentation of a change in name, such as a photocopy of a judicial order from a court of legal jurisdiction or a marriage certificate.
- (d) An applicant for examination who is a veteran of the Armed Forces of the United States shall submit a photocopy of an official United States Armed Forces Certificate of Discharge and/or an official Report of Transfer or Discharge.
- (e) Examinations for funeral director license may include the following subjects:
- (1) the law;
  - (2) the State Sanitary Code (Chapter I of this Title);
  - (3) rules and regulations of the commissioner;
  - (4) tests for death;
  - (5) hygiene and sanitary science;
  - (6) disinfection;
  - (7) mortuary law;
  - (8) pathology;
  - (9) bacteriology;
  - (10) anatomy;
  - (11) applied chemistry;
  - (12) practical embalming;
  - (13) restorative art;
  - (14) funeral management;
  - (15) care and preparation of the human dead for final disposition;
  - (16) ethics;
  - (17) accounting;
  - (18) psychology;
  - (19) business English; and
  - (20) speech.

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(f) Every candidate for a funeral director license shall pass such an examination with a grade of not less than 75.

(g) Gradings need not represent arithmetic percentages, but may, in the department's discretion, be higher than percentage ratings and be computed on the basis of either an arithmetic addition of a certain number of points to the percentage rating of each candidate, or an arithmetic adjustment of deductions for errors or of credits for correct answers obtained by each candidate.

(h) The department shall determine the method of grading each examination separately, and shall apply the method uniformly to all candidates taking that examination. The department shall not disclose the percentage ratings of candidates by individual identity to any of its officers or employees responsible for determining the final grading of an examination until such determination has been made.

(i) In determining the method to be used in grading an examination, the department shall take into consideration:

(1) the advice and judgment of department officers, employees and consultants regarding the difficulty of the examination in relation to the minimum requirements for satisfactory performance as a funeral director; and

(2) the results of any studies conducted regarding the difficulty of the examination.

(j) The department may conditionally admit to examination for licensure an applicant who, on the date of a scheduled examination for licensure, has not fully established his qualifications, if, in the judgment of the department, it appears that such qualifications will be fully completed within 45 days after the date of such examination. Unless such applicant submits satisfactory evidence of such completion of qualifications within 45 days following the date of the examination, the department shall notify the applicant that he is not qualified for licensure.

(k) The department shall accept, in lieu of an applicant's passing with acceptable scores its own examination, certification from The Conference of Funeral Service Examining Boards of the United States, granted on the basis of an applicant's passing with acceptable scores an approved National Board Examination taken after August 31, 1973. For acceptance of such certification, an applicant must meet all the requirements for admission to the New York State funeral director licensing examination. However, such certification shall not be applicable to the department examination required by section 3421(4)(d) of the Public Health Law.