

OPINION NO. 66-165**Syllabus:**

1. A three-year program in academic instruction and mortuary science training, taken concurrently at two universities for purposes of qualifying for an embalmer's examination or funeral director's apprenticeship is within the scope of Section 4717.061, Revised Code.

2. Registration of students in this program with the Board of Embalmers and Funeral Directors should be made prior to entrance in the program in pursuance to Section 4717.06, article (A), paragraph (6), Revised Code.

**To: John W. Toland, Secretary-Treasurer, The Board of Embalmers and
Funeral Directors, Columbus, Ohio**
By: William B. Saxbe, Attorney General, October 5, 1966

Your request for my opinion is in substantial part as follows:

"At a recent meeting of the Board of Embalmers and Funeral Directors of Ohio they instructed our office to request of you an opinion concerning the following:

A three-year program of academic instruction

and mortuary science instruction is being offered in what is called 'The Cooperative Program' of The University of Cincinnati and The Cincinnati College of Mortuary Science. Based on the information we have received from the school, the following set of circumstances exist under this program.

An applicant must register with The University of Cincinnati and be approved by them in their 'University College' department and indicate to them his vocational choice is mortuary science. Simultaneously, he must register with The Cincinnati College of Mortuary Science and be approved by them. Joint approval is necessary before acceptance into this three-year program.

Further information reveals that the two schools, The University of Cincinnati and The Cincinnati College of Mortuary Science, are two separate and distinct entities. They have two separate and distinct grading systems. Classes and laboratories are held in the individual physical facilities of each separate institution.

Further information reveals that credit hours for subjects taken in The Cincinnati College of Mortuary Science cannot be transferred to The University of Cincinnati for credit should the applicant desire to apply these credits toward a possible Bachelor's Degree. Failure to successfully complete the courses in either of these two institutions automatically spells failure in the three-year program.

A study of the proposed three-year program further reveals that during the first year an applicant receives 36 quarter hours of instruction at The University of Cincinnati and in the second year 28 quarter hours of instruction at The University of Cincinnati, making a total of 64 quarter hours. In the third year the applicant receives 26 quarter hours of instruction, making a total of 90 quarter hours of academic instruction.

Therefore, we are requesting your opinion on the following questions:

Does this type of program comply with the requirements of 4717.061 Apprenticeship qualifications?

Does this type of program comply with article (A) paragraph (5) and article (B) paragraph (5) of 4717.06 License qualifications; fees; renewals, and 4717.061 Apprenticeship qualifications?

Does this type of program comply with 4717.06 article (A) paragraph (6) and article (B) paragraph (6), and also 4717.061 Apprenticeship qualifications?

If this program complies with Ohio law 4717.06 and 4717.061 when would this board register these students? If this program does not comply with the Ohio law disregard this question."

Compliance of the proposed program with Section 4717.061, Revised Code, is necessary for an affirmative answer to any of your inquiries. The statute, which became effective July 11, 1961, states:

"Notwithstanding the provisions of divisions (A) and (B) of section 4717.06 of the Revised Code to the contrary, the board of embalmers and funeral directors shall admit for embalmer's examination or registration for funeral director's apprenticeship, any applicant who submits evidence of the satisfactory completion of a three year program in academic instruction and mortuary science in a college or university approved by the board, provided that such applicant shall be required to show such preliminary registration and requisites, and evidence of the satisfactory completion thereof, as is required by other provisions of section 4717.06 of the Revised Code and as the board prescribed in the rules and regulations." (Emphasis added)

I direct your attention to the first three lines of the above. They seem to make the provisions of Section 4717.06, Revised Code, articles (A) and (B), paragraphs (5) and (6), irrelevant as far as your inquiry is concerned, for these provisions are contrary in design to Section 4717.061 in that they propose alternative methods of qualifying for an embalmer's examination or a funeral director's apprenticeship. Thus, if the structure of the proposed program falls within the scope of Section 4717.061, compliance with the aforementioned provisions of Section 4717.06 is not necessary.

It is my opinion that the program does fall within the scope of Section 4717.061, Revised Code. It is a three-year program in academic instruction and mortuary science, which has been instituted on a "cooperative" basis between two separate universities for practical reasons. It seems that the intent of the statute is being adhered to, and that no strict, technical interpretation of the words "in a college or university" should be a barrier to such a feasible proposal as yours. Thus, your first three questions have been considered as one and I see no reason why the program does not comply with Ohio law (Section 4717.061, Revised Code, supra).

Your additional inquiry concerns the proper registration time with the board for students in this program. Section 4717.06, Revised Code, article (A), paragraph (6), states:

"Applicant has registered with the board prior to enrollment in an approved or accredited college of mortuary science recognized by the board, * * *"

Although this statute envisions a program with academic training followed by mortuary science training, it is evident that the prime concern is to have a student register before he starts his mortuary science training, which in the instant situation, would be before he began his concurrent program. This would be consistent with the wording of Section 4717.061 which directs compliance with all "requisites" of Section 4717.06 which are not contrary.

Therefore, it is my opinion and you are advised that:

1. A three-year program in academic instruction and mortuary science training, taken concurrently at two universities or colleges for purposes of qualifying for an embalmer's examination or funeral director's apprenticeship is within the scope of Section 4717.061, Revised Code.
2. Registration of students in this program with the Board of Embalmers and Funeral Directors should be made prior to entrance in the program in pursuance to Section 4717.06, article (A), paragraph (6), Revised Code.