§ 3422. Funeral directing; licensing examinations; content; procedure. 1. The commissioner shall determine the subjects of examination of applicants for license to practice funeral directing, undertaking or embalming, and the scope, content and character, of such examinations which in any examination shall be the same for all candidates.

2. Examinations shall be held twice in each year.

3. A candidate who fails to attain a passing grade on his or her licensing examination is entitled to a maximum of three re-examinations; provided, however, that if such candidate fails to attain a passing grade within three years after completion of his or her training, he or she must requalify in accordance with the provisions of the public health law and rules and regulations promulgated thereunder existing and in force as of the date of subsequent application for licensing examination, except that a satisfactorily completed required course of study need not be recompleted. A candidate inducted into the armed forces of the United States during or after completion of training may (a) after honorable discharge or (b) after a discharge other than bad conduct or dishonorable where the candidate (i) has a qualifying condition, as defined in section one of the veterans' services law, or (ii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and upon proper application as required by the department be eligible for an exemption with respect to time served in such service.

4. Following the close of every written examination prepared and administered by the department the questions submitted and the answers made thereto by the applicant together with a record stating in detail the result of the examination for each candidate shall be kept by the department for a period of one year. These may be destroyed at the end of such period.