

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-2-.01

Rule Title: Application for License

\_\_\_\_\_ New  X  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?  YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?  NO

Is there another, less restrictive method of regulation available that could adequately protect the public?  NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?  NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?  NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?  YES

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Does the proposed rule have an economic impact?  NO

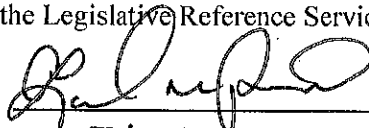
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer



Date

7/14/17

(DATE FILED)  
(STAMP)

**Alabama Board of Funeral Service**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-2-.01 Application for License  
395-X-2-.02 Renewal of License  
395-X-2-.03 Fees  
395-X-2-.04 Display of Licenses  
395-X-2-.05 State Laws, Rules, Regulation (LRR) Examination  
395-X-2-.07 Continuing Education  
395-X-2-.08 Crematory Operator Training Course "New Rule"

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-2-.01, Rule No. 395-X-2-.02, Rule No. 395-X-2-.03, and Rule No. 395-X-2-.04, Rule No. 395-X-2-.05, Rule No. 395-X-2-.07. The Alabama Board of Funeral Service also proposes to add a new rule as Rule No. 395-X-2-.08 titled "Crematory Operator Training Course".

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend language to Rule No. 395-X-2-.01 changing the board examination score to a scaled score. The Board proposes to amend language to Rule No. 395-X-2-.02 placing all licenses on a two-year renewal cycle. The Board proposes to amend language in Rule No. 395-X-2-.03 to change the fees for licenses to reflect the two-year renewal and establish a fee for Crematory Registration fee, Cremationist Application Fee, Cremationist Renewal Fee, Continuing Education Provider Fee, Replacement License Fee, and the Laws, Rule, Regulation Exam Fee. The Board proposes to amend Rule No. 395-X-2-.04 to require all licenses, registration, or certificate to be on public display. The Board proposes to amend Rule No. 395-X-2-.05 to add language set a time frame and fee for the LRR Exam and to give the Board 's staff the authority to administer the exam. The Board proposes to amend Rule No. 395-X-2-.07 to add language requiring a course in ethics and blood-borne pathogens/universal precautions be a part of the required eight hours of continuing education. It further requires each provider pay an administrative fee of \$200.00 every two years to be registered as a provider. It removes the continuing education random audit language and allows for 4 hours of carry over hours above the 8-hour requirement. The Board proposes to add a new rule as Rule No. 395-X-2-.08 titled "Crematory Operator Training Course" to require the training course be a minimum of 7 hours, a certificate of completion be submitted to the Board, allow for a re-fresher course for certification older than 4 years, and to allow a special work permit be issued to individuals who have met all the requirements for a cremationist license but are waiting for a crematory operator training course.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Tuesday, September 5, 2017

Place: 11 South Union Street Suite 106, Montgomery, AL 36104

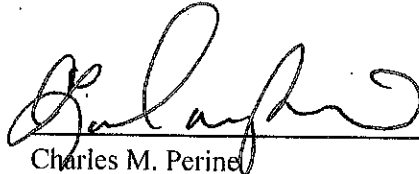
**APA-2**  
**07/04**

Email: [Charles.perine@fsb.alabama.gov](mailto:Charles.perine@fsb.alabama.gov)  
Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Tuesday, September 5, 2017

CONTACT PERSON AT AGENCY:

Charles M. Perine  
Executive Director  
11 South Union Street  
Suite 106  
Montgomery, AL 36104



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Charles M. Perine  
Executive Director  
Alabama Board of Funeral Service

Alabama Board of Funeral Service  
ADMINISTRATIVE CODE

CHAPTER 395-X-2  
LICENSE

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395-X-2-.07	Continuing Education
395-X-2-.08	<u>Crematory Operator Certification Course. "New Rule"</u>

**395-X-2-.01 Application for License.** Anyone wishing to apply for any type of license, registration, or certification that is issued by with the Board, must: ~~do so~~

- (1) Apply on a form supplied by the Board. Said applicant must meet and comply with all provisions of Title 34, Chapter 13, Code of Ala. 1975, relating to licensure and application thereof. No application is considered valid unless it is submitted to and received by the Board office.
- (2) The passing score for any Board examination shall be ~~75% correct answers.~~ a scaled score of 75.
- (3) The Board shall establish the beginning time of all examinations it administers. These examinations shall be completed within 210 minutes within said beginning time, as set by the Board, regardless of the length or number of sections of the examinations.
- (4) In addition to the application fee, the Board shall charge each applicant an examination fee of \$100.00 for each funeral directing or embalming exam taken.

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-26, 34-13-70(c), 34-13-90(c).

**History: Amended:** Filed August 9, 1985; August 8, 1986 (rule title changed from "Application of License" to "Application for License"); August 7, 1991. **Amended:** Filed August 10, 2004; effective September 14, 2004. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed July 14, 2017