

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-2-.02

Rule Title: Renewal of 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

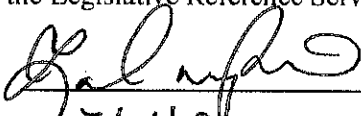
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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.

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

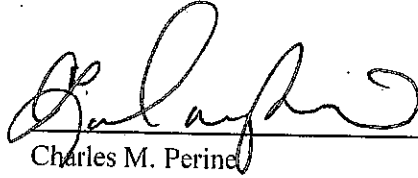
APA-2
07/04

Email: Charles.perine@fsb.alabama.gov
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

A handwritten signature in cursive script, appearing to read "C. Perine", is written over a horizontal line.

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-.02 Renewal of License.

(1) All licenses and certifications expire each year on October 1. Commencing on October 1, 2018, all licenses expire every two years on October 1.

(2) Each license must be renewed on or before ~~this date~~ October 1st or it shall be considered ~~lapsed~~ expired and may only be renewed by payment of license and penalty fees and meeting all requirements for delinquent renewal as provided in Code of Ala. 1975, §34-13-55.

(3) The Board shall provide notice by electronic format to each apprentice, funeral director, embalmer, and establishment at least sixty (60) days prior to the expiration date of said license that his or her renewal fee is due. Each license contains the expiration date and, therefore, failure to receive a renewal notice does not exempt a licensee from the required renewal of his/her license.

(a) Apprentice certifications shall expire each year on October 1 and shall be renewed annually by October 1st.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Amended: Filed August 9, 1985; August 8, 1986. **Amended:** Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed July 14, 2017