

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-2-.07

Rule Title: Continuing Education

 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

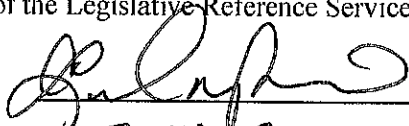
Does the proposed rule have an economic impact? NO

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

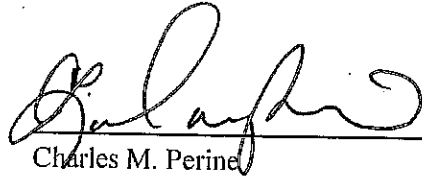
APA-2
07/04

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 black ink, appearing to read "C. Perine", is written over a solid horizontal line.

Charles M. Perine
Executive Director
Alabama Board of Funeral Service

Alabama Board of Funeral Service
ADMINISTRATIVE CODE

CHAPTER 395-X-2
LICENSE

TABLE OF CONTENTS

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 Examination
395-X-2-.06	Disaster Mutual Aid
395-X-2-.07	Continuing Education
395-X-2-.08	<u>Crematory Operator Certification Course. "New Rule"</u>

395-X-2-.07 Continuing Education.

(1) Beginning October 1, 2014, each cremationist, funeral director and embalmer, licensed by the Board, shall complete a minimum of eight hours of Board approved continuing education within a two year period ending September 30, 2016 and then continuing each two year period thereafter. Included in the required eight hours, all licensees must complete a board approved continuing education course in ethics and blood-borne pathogens/universal precautions.

(2) An approved program of activity shall:

- (a) Constitute an organized program or course of learning dealing with matters directly related to the practice of funeral directing, embalming, or funeral service.
- (b) Be in the format of a lecture, workshop, seminar, conference, or internet based program or course.
- (c) It permits attendance by all funeral directors and embalmers in the State of Alabama.

(3) A sponsor-provider, organization or person which desires to obtain approval of a course, program or other continuing education activity shall obtain approval prior to the activity. A sponsor provider, organization or person shall make application on a form provided by the Board at least 90 days prior to the activity. The applicant shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, and other pertinent information, and a sample of the certificate of completion.

Commencing with the continuing education period for fiscal year 2019-2020 and continuing each two-year period thereafter, provider, organization, or person applying to be a continuing education provide in this state shall pay an administrative fee of \$200.00.

(4) ~~Certificates~~ Certification of completion must be awarded upon the successful completion of all approved continuing education courses and must include the following information:

- (a) ~~Sponsor's~~ Provider's name;
- (b) Licensee's name and license number;
- (c) Approved course title or number;
- (d) Date of course completion;
- ~~(e) Course location;~~
- ~~(f)e~~ Number of approved continuing education credit hours awarded; and
- ~~(g) Signature of sponsor or representative for sponsor.~~

(5) The board shall approve one hour of continuing education credit time for every one hour of instruction completed by the licensee at an approved program of activity.

(6) The licensee shall retain all ~~certificates~~ certifications of completion for three years after the course, ~~or until the licensee submits such proof during a random audit.~~

~~(7) Licensees, chosen randomly, shall submit to the board within 10 days of notification, copies of certificates of completion as proof of completing the continuing education activities used to meet the requirements of this rule.~~

~~(87) Failure to comply with the continuing education audit and requirements shall result in:~~

~~(a) The Board shall not renew the license of an individual who fails to obtain the continuing education requirements of this section, except as provide by statute, until the Board receives documentation that the licensee has obtained the required continuing education.~~

~~(b) A licensee who fails to obtain the required number of continuing education hours prior to the expiration date appearing on the license shall not have their license renewed until the licensee has obtained the required continuing education hours for that period and paid all applicable fees and penalties.~~

~~(98) A license shall not be renewed unless the licensee certifies on the renewal application that the individual completed the required number of continuing education hours specified in paragraph (a) of this rule.~~

~~(109) The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes or crematories.~~

~~(10) A licensee who has more than 8 hours of continuing educations in one renewal period, may carry over a maximum of 4 hours to the next renewal period.~~

(11) All course providers shall retain records of all licensees attending and those satisfactorily completing such continuing education courses for a period of three years following each course. The Board may require course providers to submit copies of such records or certifications, as it deems necessary, to ensure compliance with continuing education requirements.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-53.

History: New Rule: Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed July 14, 2017