

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-3-.03

Rule Title: Apprentice Supervision

_____ 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

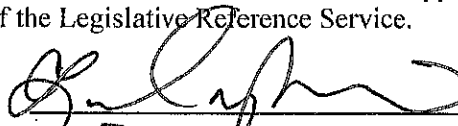
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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-3-.01 Apprentice Funeral Director
395-X-3-.02 Apprentice Embalmer
395-X-3-.03 Apprentice Supervision

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-3-.01, Rule No. 395-X-3-.02, and Rule No. 395-X-3-.03.

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend language to Rule No. 395-X-3-.01 and Rule No. 395-X-3-.02 to require a Skill Evaluation form and proof of enrollment in a mortuary program or proof of a bachelor degree. The Board proposes to amend language to Rule No. 395-X-3-.03 to add language only allowing the supervision of three apprentice by a supervisor at the same time and requiring the apprentice supervisor license to be in good standing.

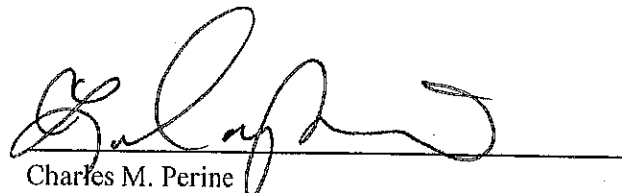
TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Tuesday, September 5, 2017
Place: 11 South Union Street Suite 106, Montgomery, AL 36104
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


Charles M. Perine
Executive Director
Alabama Board of Funeral Service

Alabama Board of Funeral Service
ADMINISTRATIVE CODE

CHAPTER 395-X-3
APPRENTICE

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395-X-3-.03 Apprenticeship Supervision.

(1) Title 34, Chapter 13, Code of Ala. 1975, requires apprentice funeral director's period of apprenticeship to be under the supervision of a licensed funeral director. Title 34, Chapter 13, Code of Ala. 1975, requires apprentice embalmers' period of apprenticeship to be under the supervision of a licensed embalmer.

(2) The apprentice supervisor may only supervise three apprentices at any given time, excluding the Embalming Clinical Lab sites for mortuary colleges or schools.

(3) The apprentice supervisor's license(s) must be current, actively working, and in good standing with the board. For this section, good standing means the licensee has a current license with no pending actions and is not on probation with the board.

(~~2~~ 4) Whenever an apprentice funeral director or apprentice embalmer is performing any of the activities or duties of licensed funeral directors or embalmers, respectively, a licensed funeral director or licensed embalmer under whose supervision the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must:

(a) Be present on the premises of the funeral establishment where the activities or duties are being performed;

(b) Be readily available to assist the apprentice.

(~~3~~ 5) ~~When~~ When an apprentice funeral director or apprentice embalmer is performing any of the activities or duties of licensed funeral directors or embalmers, respectively, and that work is not being performed on the premises of the funeral establishment, a licensed funeral director or licensed embalmer under whose supervision the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must:

(a) Be present on the presence of the church, synagogue, chapel, auditorium, cemetery, or any other location where the activities or duties are being performed;

(b) Be readily available to assist the apprentice.

Author: Alice Maples

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

History: New Rule: Filed August 10, 2004; effective September 14, 2004. **Amended:** Filed July 14, 2017