

**ALABAMA BOARD OF FUNERAL SERVICE
ADMINISTRATIVE CODE**

**CHAPTER 395-X-2
LICENSE**

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

(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 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 September 12, 2017; effective October 27, 2017.

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 October 1st or it shall be considered 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 September 12, 2017; effective October 27, 2017.

395-X-2-.03 Fees.

(1) The fees to be charged by the Board before October 1, 2018 are as follows:

FEE TYPE/PURPOSE		AMOUNT
Funeral Director Application Fee		\$100.00
Embalmer Application Fee		\$100.00
Apprentice Funeral Director / Apprentice Embalmer Application Fee per certificate		\$20.00
Funeral Establishment Application Fee		\$400.00
Funeral Director / Embalmer / Practical Embalmer Renewal Fee per license		\$100.00
Funeral Establishment Renewal Fee		\$250.00
Funeral Director Apprentice / Embalmer Apprentice Renewal Fee per certificate		\$20.00
Funeral Establishment Original Inspection Fee		\$150.00
Funeral Establishment Re-Inspection Fee		\$150.00
Funeral Establishment Annual Inspection Fee		\$75.00
Late Penalty for Past Due Inspection Fee		\$150.00
Funeral Establishment – License Transfer (Temporary Location)		\$25.00
Funeral Establishment Change of Ownership		\$250.00
Funeral Establishment – Reissued License Due to Name Change		\$25.00
Special Operating Permit		\$50.00
Late Renewal Fee or Lapsed Penalty		\$50.00
Reciprocity Licenses per license		\$250.00
Reciprocity Special Work Permit per permit		\$25.00
Crematory Registration Fee		\$200.00
Cremationist Application Fee		\$50.00
Cremationist Renewal Fee		\$50.00
Background Check	Current fee charged by Alabama Law Enforcement Agency	
Continuing Education Provider Administrative Fee		\$200.00
Replacement Wall Certificate per certificate		\$15.00
Replacement Wallet or Wall License per license		\$15.00
Laws, Rules, Regulation Exam		\$50.00

(2) Commencing on October 1, 2018 all funeral director, embalmer, cremationist, and establishment licenses shall be renewed biennially. The fees to be charged by the Board after October 1, 2018 are as follows:

FEE TYPE/PURPOSE		AMOUNT
Funeral Director Application Fee		\$200.00
Embalmer Application Fee		\$200.00
Apprentice Funeral Director / Apprentice Embalmer Application Fee per certificate		\$20.00
Funeral Establishment Application Fee		\$400.00
Funeral Director / Embalmer / Practical Embalmer Renewal Fee per license		\$200.00
Funeral Establishment Renewal Fee per establishment		\$500.00
Funeral Director Apprentice / Embalmer Apprentice Renewal Fee per certificate		\$20.00
Funeral Establishment Original Inspection Fee		\$150.00
Funeral Establishment Re-Inspection Fee		\$150.00
Funeral Establishment Annual Inspection Fee		\$75.00
Late Penalty for Past Due Inspection Fee		\$150.00
Funeral Establishment – License Transfer (Temporary Location)		\$25.00
Funeral Establishment Change of Ownership		\$250.00
Funeral Establishment – Reissued License Due to Name Change		\$25.00
Special Operating Permit		\$50.00
Late Renewal Fee or Lapsed Penalty per license		\$100.00
Reciprocity Licenses per license		\$250.00
Reciprocity Special Work Permit per permit		\$25.00
Crematory Registration Fee		\$200.00
Cremationist Application Fee		\$100.00
Cremationist Renewal Fee		\$100.00
Background Check	Current fee charged by Alabama Law Enforcement Agency	
Continuing Education Provider Administrative Fee		\$200.00
Replacement Wall Certificate per certificate		\$15.00
Replacement Wallet or Wall License per license		\$15.00
Laws, Rules, Regulation Exam		\$50.00

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-74, 34-13-90, 34-13-111, 34-13-113, 34-13-114, 34-13-130, 34-13-131.

History: Originally filed as Rule No. 395-X-2-.04 entitled "Cost of Renewal License." **Amended:** Filed April 5, 1983; August 9, 1985. **Amended:** Filed May 3, 2002; effective June 7, 2002. **Amended:** Filed May 14, 2003; effective June 18, 2003. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-2-.04 Display Of Licenses. All licenses, registration, or certificate granted by the Board shall be on public display in a location of the establishment that is not restricted from the public travel.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-52.

History: Amended: Filed April 6, 1983; August 9, 1985.

(Formerly Rule No. 395-X-2-.05.) **Amended:** Filed May 3, 2002; effective June 7, 2002. **Repealed and New Rule:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-2-.05 State Laws, Rules, Regulation (LRR) Examination.

(1) All candidates for original cremationist, funeral director and/or embalmer licensure must successfully complete an examination on Alabama Funeral Service law, rules and regulations.

(2) A passing score on the LRR exam shall be 75% correct answers.

(3) The Board shall establish the beginning time of all LRR examinations it administers. These examinations shall be completed within 60 minutes from said beginning time, as set by the Board, regardless of the length or number of sections of the examinations.

(4) In addition to the license application fee, the Board shall charge each applicant an LRR examination fee of \$50.00 for each LRR exam taken.

(5) The Board's staff may administer the LRR exam.

(6) This examination shall be in addition to any other examinations or tests prescribed in Title 34, Chapter 13, Code of Ala. 1975. This requirement shall become effective October 1, 1986. The Board shall supply to each funeral establishment, within fiscal year 1985-86, a copy of the state funeral service laws and regulations and any amendments or revisions of the same made thereafter.

Author: Charles M. Perine

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

History: Filed August 9, 1985. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-2-.06 **Disaster Mutual Aid.** In the event that a disaster or state of emergency occur resulting in massive casualties which overwhelms the capabilities of funeral directors and embalmers of the affected community, licensed embalmers and funeral directors from other states may assist such local efforts in providing funeral directing and embalming services under the following conditions:

(a) That the disaster related casualties exceed the capabilities of the local licensees;

(b) That the disaster be declared as such by the appropriate emergency management officials;

(c) That the out-of-state licensees be eligible for reciprocity licensure in Alabama;

(d) That the out-of-state licensees be authorized members of disaster mortuary teams;

(e) That the services provided by these licensees be limited for the duration of servicing the disaster and that their service be under the supervision of Alabama licensees;

(f) That only Alabama licensed funeral directors may sign death certificates relating to the disaster.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §§34-13-3, 34-13-26.

History: Filed August 7, 1991.

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 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 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.

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

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

(a) Provider's name;

(b) Licensee's name and license number;

(c) Approved course title;

(d) Date of course completion;

(e) Number of approved continuing education credit hours awarded; and

(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 certifications of completion for three years after the course.

(7) Failure to comply with the continuing education 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.

(8) 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.

(9) 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 September 12, 2017; effective October 27, 2017.

395-X-2-.08 Cremationist.

(1) An individual seeking licensure as a cremationist must:

(a) Be certified as a crematory operator by successfully completing a crematory operator training course approved by the board, in addition to other requirements as

stated in Title 34 Chapter 13, Code of Ala. 1975. The course must be no less than 7 hours instructional time.

(b) Submit the crematory operator training course certificate of completion to the Board before a license is issued.

(c) Individual who completed a board approved crematory operator training course prior to October 1, 2017 and the completion date is greater than 4 years must complete a re-fresher course or another crematory operator training course approved by the board.

(d) Submit an affidavit of at least one crematory operator to the effect that the applicant is of good character and has qualified himself or herself to become licensed as prescribed by Title 34 Chapter 13, Code of Ala. 1975.

(2) Once an individual receives his/her crematory operator certification, a cremationist must complete crematory operator training approved by the board every 4 years, said training shall count toward continuing education.

(3) The board may issue a special work permit to individuals seeking licensure as a cremationist, if the board determines that the applicant satisfies all the requirements for licensure except for having successfully completed a board approved crematory operator training course. The special work permit shall expire one year from the date of issuance allowing the applicant the time to comply with the one year time frame to obtain a crematory operator certification as stated in §34-13-120.1(b), Code of Ala. 1975.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120, 34-13-120.1.

History: New Rule: Filed September 12, 2017; effective October 27, 2017.