

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-.01 Application For License. Anyone wishing to apply for any type of license with the Board, must do so 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. The passing score for any Board examination shall be 75% correct answers. 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. 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.

395-X-2-.02 Renewal Of License. All licenses expire each year on October 1. Each license must be renewed on or before this date or it shall be considered lapsed 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. 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.

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.

395-X-2-.03 **Fees.** The fees to be charged by the Board 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	\$ 20.00
Funeral Establishment Application Fee	\$400.00
Funeral Director/Embalmer/Practical Embalmer Renewal Fee	\$100.00
Funeral Establishment Renewal Fee	\$250.00
Funeral Director Apprentice/Embalmer Apprentice Renewal Fee	\$ 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	\$250.00
Reciprocity Special Work Permit	\$ 25.00

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.

395-X-2-.04 Display Of Licenses. All licenses 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.

395-X-2-.05 State Laws Examination. All candidates for original funeral director and/or embalmer licensure must successfully complete an examination on Alabama Funeral Service law and regulations. A passing score shall be 75% correct answers. 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.

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 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.

(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, 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, 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, other pertinent information and a sample of the certificate of completion.

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

- (a) Sponsor's name;
- (b) Licensee's name and license number;
- (c) Approved course title;
- (d) Date of course completion;
- (e) Course location;
- (f) 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 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.

(8) 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.

(9) 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.

(10) 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.

(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.