



# QUARTERLY NEWSLETTER

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## *Board Meeting*

The Board will hold its fourth regular meeting of fiscal year 2017 on **July 13, 2017 at 9:00 a.m.** in Room 304 of the Alabama State House. Matters or subjects not on the agenda are not guaranteed for discussion at the meeting. **Licensees who attend the quarterly board meeting will receive hour for hour CE Credits for attending.**

## 2017 Quarterly Board Meetings Dates

<u>Date</u>	<u>Time</u>
July 13, 2017	9 am
October 2, 2017	9 am
January 8, 2018	9 am

*All Board meetings will be held at 11 South Union Street Room 304, Montgomery, AL 36104.*

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## *Examination*

The Alabama Board of Funeral Service has certified the following individuals with The Conference as having met the qualification to take the Alabama State Law Exam and the Alabama Funeral Director and/or Embalmer Exam:

William T. C. Clark	Chenell M. Martin	Phillip B. Box	Alexis D. Roby
Andre M. Foreman	Timothy G. Cole	Andrea N. Maxwell	Bill A. Reeves
Dianne W. Gosa	Samuel C. Hood	Andrew R. Byrd	George M. Mallory

Steps to taking the Alabama State Art, Science, or Law exam:

1. **Submit application to the Board office for permanent license.**
2. **Eligibility will be verified and sent to The Conference by the Board staff.**
3. **Applicants must then go to The Conference website at [www.theconferenceonline.org](http://www.theconferenceonline.org) to submit their exam application and payment.**
4. **Please keep in mind, processing takes anywhere from 2-3 business days. The Conference must have your eligibility, application, and payment to schedule. You will be notified through email once you have been processed and you are able to schedule.**

## *The Conference*

As stated in previous notices, the Alabama State Law, Funeral Director and Embalmer's exams will be given by The Conference through Pearson VUE testing centers at five locations statewide. The exam fees and applications are to be submitted by the applicant to The Conference. The state license fees, applications, and affidavits shall be submitted to the Board office.

The Conference: [www.theconferenceonline.org](http://www.theconferenceonline.org)

Phone: 479-442-7076

Pearson VUE:	Birmingham	Decatur	Dothan	Mobile	Montgomery
	205-982-2063	256-552-0667	334-671-7007	251-343-2601	334-409-9355

## *Renewal Time & Online System*

The renewal period for fiscal year 2018 will begin July 1, 2017. The Board no longer mail renewal notices to licensees, establishments, or apprentices. Pursuant to Code of Alabama, 1975, Section 34-13-53(d), License renewal applications and apprentice certification renewal applications for fiscal year 2018 will be emailed to licensees, apprentices, and establishment at multiple times during the month of July and throughout the renewal period. The deadline to renew without penalty is September 30, 2017. Failure to receive a notice does not excuse anyone from renewing by the deadline. If you fail to submit your paperwork for renewal by the September 30th deadline, an additional \$50 late penalty will be applied.

*ONLINE RENEWAL* is available for individual licensees and establishment by going to the Homepage of the Alabama Board of Funeral Service website ( [www.fsb.alabama.gov](http://www.fsb.alabama.gov) ) and click on the "ONLINE RENEWAL" button. A valid credit card will be needed to complete the online renewal. There will be a 4% administration fee added to each license that is renewed using the online system. All processes through this system are **real-time data**. A change made in the board's office or by the licensees to a licensee's record will reflect immediately on the website for consumers and employers. There will be no time lag or back-end processing. It is extremely important that online users verify that the information (i.e. address, email address, etc.) listed on their profile is correct and current. By ensuring the information is correct and current, it ensures that the license(s) are mailed to the correct address and that all licensees are receiving the Board's correspondence.

↓↓↓↓\*\***IMPORTANT**\*\*↓↓↓↓

**Licensees, Apprentices, and Establishments that do not renew by the September 30<sup>th</sup> deadline NO longer have a six-month grace period to renew with the \$50.00 late penalty. The grace period has been reduced to thirty (30) days.**

**Anyone who does not renew their apprentice certification, funeral establishment, funeral director, embalmer or practical embalmer license by the September 30<sup>th</sup> deadline, may still renew with a \$50.00 late penalty until October 31, 2017. If you fail to submit your paperwork and fee, including late penalty, for renewal by the October 31, 2017 deadline, the license(s) or certification will be considered lapsed. At which time the establishment, funeral director, embalmer, or apprentice must CEASE and DESIST all operations and/or practice. Any paperwork and fees received after the October 31st deadline must go before the Board for reactivation approval and the licensee must meet the current requirements for licensure. .... Continued on Page 3**

## *Renewal Time Continued*

Below is a time line including the action that needs to be taken for renewals:

<b>Dates</b>	<b>License Status (If you have not renewed)</b>	<b>Renewal Fee (+ Penalty)</b>	<b>Action</b>
July 1, 2017 – October 1, 2017**	Active	\$100 per license (FD & EM) \$20 per apprentice certification \$250 per Establishment	Renew before September 30, 2017
October 2, 2017 – October 31, 2017**	Expired	\$100 + \$50 per license (FD&EM) \$20 + \$50 per apprentice certification \$250 + \$50 per Establishment	Renewal fee + Late Penalty before October 31, 2017
After November 1, 2017	Lapsed	\$100 + \$50 per license (FD&EM) \$20 + \$50 per apprentice certification \$250 + \$50 per Establishment	<ol style="list-style-type: none"> <li>1. Must Cease and Desist from all operation and practice until approval by the Board at the next regular scheduled board meeting.</li> <li>2. Must submit reactivation paper work along with renewal fee + Penalty.</li> <li>3. Must meet all requirements for the original issuance of a license.</li> </ol>

\*\*All renewals must be IN the board's office by October 1, 2017, and not just posted marked by October 1, 2017. Any renewal received, whether by mail, online renewal, or hand delivered, after October 1, 2017 must include the \$50.00 late penalty.

Below is the amended language for the Title 34 Chapter 13, Code of Alabama 1975, effective August 1, 2017:

*§34-13-55.*

*(a) When a licensee, for any reason, has allowed a license to expire, the board may reinstate the license if application for reinstatement is made within a period of 30 days from the date of expiration and is accompanied by payment of all penalties and fees, from the time of expiration to date of reinstatement. The penalties to be paid to the board shall not exceed one hundred dollars (\$100) to reinstate licenses which have expired.*

*(b) After the 30-day period has elapsed, a license may be reinstated only by complying with the provisions of this chapter relating to the issuance of an original license in addition to payment of all fees and penalties.*

Licenses DO NOT have to turn in Continuing Education hours this year with their renewal. Continuing Education hours are not due until September 30, 2018.

If you have any questions, please contact the Board's office at 334-242-4049.

## ***House Bill 212***

During this year's regular annual sessions of legislators, House Bill 212 passed the Senate and the House of Representatives and was signed by Governor Ivey on May 26, 2017. House Bill 212 amended and made significant changes to the Alabama Funeral Service Law. The Board is in the process of amending the administrative rules and will hold a public administrative rulemaking hearing at a date yet to be set. The following are the changes to the Alabama Funeral Law because of House Bill 212:

### **MAJOR CHANGES**

- 50% of this bill makes technical and non-substantive changes. (i.e. requirements to file reports to the secretary of state and the legislatures which are no longer required.)
- Increases the membership of the Board from seven (7) to nine (9) members by adding two consumer members to be appointed by the Lt. Governor and the Speaker of the House.
- Changes board member's terms from two year terms to four year terms.
- Sets the Standard and requirements to operate a crematory in the state
  - Requires individuals who cremate remains to be a Certified Crematory Operator and be licensed by the Board.
  - Makes it mandatory to have all the equipment needed to perform a cremation.
  - Requires all paper work and legal forms be completed and remains properly identified before the cremation takes places.
  - Requires crematories to have refrigeration.
  - Sets the due date for reports to be filed with the board.

(Current cremation law is very minimal and does not go far enough to make sure the consumer is protected. The current cremation rate in Alabama is around 29% and rising, the legislative committee felt we needed to be proactive instead of reactive. As the cremation rate rises, there will be more opportunities for mistakes.)

- Requires human remains to be embalmed, with permission, or refrigerated 48 hours after death.
- Gives the board authority to take action against unlicensed individuals who practice without a license. Gives the board authority over anyone practicing funeral directing or embalming as define in this chapter

### **Minor Changes**

- Definitions
- Gives grandchildren a place in the hierarchy of serving as the authorizing agent of a decedent over a non-relative.
- Requires appeals of Board decisions to be done in the Circuit Court of Montgomery County.
- Require background checks for potential licensees.
- Defines the Class of misdemeanor for violation of this chapter to be Class A
- Require license renewals to take place every two years instead of every year.
  - Sets all maximum fees at \$500 (going to a two-year renewal will require the maximum that can be charged at one time to increase.)
- Gives the board the authority to deny a license for violations of the funeral law and then have hearing if the potential licensee wants to appeal the board decision. \*\*\*
- Requires apprentices to be enrolled in school within one year of receiving an apprenticeship.

- Require continuing education providers to pay an administrative fee every two years. (not to exceed \$250.00)
- Limits the number of apprentices that a licensee can supervise to no more than 3 apprentices.
- Requires the managing funeral director to live within 75 miles of the funeral home.
- Requires names listed on an establishment business card to be that of an individual licensed by the Board. (an amendment has been adopted to allow the Board make a rule to allow any name to be on the business card if the job title of the individual is printed on the card also.)
- Requires Establishments that do not own a crematory but advertise cremation services to disclose the people that they do not own a crematory.

You may view House Bill 212 in its entirety by going online to [fsb@alabama.gov](mailto:fsb@alabama.gov) and under “What’s New” on the home page click House Bill 212.



At the last meeting, the Board approved the following for licensure:

**Funeral Director**

William Alvie Moore, Jr

April Dawn Chamblee

**Funeral Director & Embalmer**

Jackie D. Sampson

Evan B. Kenmar

Joseph A. Gibbs

Caleb A. Roberts

Anna M. Bell

Kyle A. Burgess

Rickney B. Hunter

William Gibbs

Summer M. Pierce

Canaan E. Elkins

Thomas A. Keith, Jr.

Elijah E. Bell

Cameron S. Patterson

Katherine A. Statler

**Establishments**

W.E. Lusain Funeral Home

New Establishment

Birmingham, AL

Grey- Bushelon Funeral Services

Buy-out

Birmingham, AL

### *Active Licenses as of June 1, 2017*

<i>Establishments</i>	<i>Funeral Directors</i>	<i>Embalmers</i>	<i>Practical Embalmers</i>	<i>Apprentice Funeral Directors</i>	<i>Apprentice Embalmers</i>
460	1551	823	61	253	168

### *Lapsed Licenses as of April 1, 2017*

<i>Establishments</i>	<i>Funeral Directors</i>	<i>Embalmers</i>	<i>Practical Embalmers</i>	<i>Apprentice Funeral Directors</i>	<i>Apprentice Embalmers</i>
0	95	52	4	125	102

License status can be verified at [www.fsb.alabama.gov](http://www.fsb.alabama.gov) under the “Licensees” tab.

## *Inspection Citations*

The following inspection citations have been issued for violations of the funeral service law:

Inspection Type	Question	Fine Amount
Annual Inspection	Are there 8 full size adult caskets on the premises?	\$900
Annual Inspection	Are price cards displayed on each casket?	\$300
Annual Inspection	All Current?	\$200
Annual Inspection	Are there 8 full size adult caskets on the premises?	\$300
Annual Inspection	Are price cards displayed on each casket?	\$300
Annual Inspection	Plumbing and Fixture Adequate?	\$100
Annual Inspection	Is the Funeral Coach or Hearse properly licensed?	\$300
Annual Inspection	Aspirator, trocar, nasal tube aspirator, aspirating hoses?	\$200
Annual Inspection	Are Licenses Publicly Displayed?	\$100
Annual Inspection	Are price cards displayed on each casket?	\$300
Annual Inspection	Are there 8 full size adult caskets on the premises?	\$300
Annual Inspection	Embalming record all current?	\$200
Annual Inspection	Method of IDENTIFICATION as required by Â§395-X-6-.07?	\$100
Annual Inspection	Are Licenses Publicly Displayed?	\$100
Annual Inspection	Is the Funeral Coach or Hearse properly licensed?	\$300
Annual Inspection	Embalming record all current?	\$200

**Alabama Board of Funeral Service**  
**Consent Agreements**  
**January 1, 2017 to May 8, 2017**

<b>Case No.</b>	<b>Charge</b>	<b>Penalty</b>
ABFS16-044	Failed to comply with Federal Trade Commission Guidelines by not having a CPL and OBC- § 34-13-56(a)(2)(u), (y), and (dd), and Administrative Code 395-X-6-.09  Establishment pricing failed to comply with FTC - § 34-13-9 and Administrative Code 395-X-6-.09	Fined \$5,000.00  Managing Funeral Director on probation for 2 years.  Establishment on probation for 2 year.
ABFS17-003	Failed to pay annual inspection fee and late penalties - § 34-13-111 and Administrative Code 395-X-4-.02  Failed to have a properly licensed hearse or funeral coach - § 34-13-56(a)(2)(y) and (dd), and Administrative Code 395-X-6-.09	Fined \$2,225.00
ABFS17-0013	Aiding unlicensed person to practice funeral directing. §34-13-56(a)(2)(i)  Allowed unlicensed person to engage in the business of a funeral director. §34-13-70 (a)	Fined \$3,000.00  Managing Funeral Director on probation for 1 year.  Establishment on probation for 1 year.
ABFS17-0016	Failed to pay annual inspection fee and late penalties - § 34-13-111 and Administrative Code 395-X-4-.02  Failed to pay Inspection Citation - §34-13-52 and Administrative Code 395-X-6-.09	Fined \$1825.00  Managing Funeral Director on probation for 2 years.  Establishment on probation for 2 year.
ABFS17-0024	Aided and abetted Unlicensed Person in performing the activities and duties of a funeral director without being licensed by the Board, in violation of Alabama Code §34-13-56(a)(2)(i).  Allowed an unlicensed person to engage in the business of a funeral director, in violation of Alabama Code §§ 34-13-70(a) and 111(b).	Fined \$2,000.00  Managing Funeral Director on probation for 1 year.  Establishment on probation for 1 year.
ABFS17-0027	Failed to pay the annual inspection fee and late penalties for the Funeral Home, in violation of ALA. Code § 34-13-111 and Alabama Funeral Service Administrative Code 395-X-4-.02	Fined \$1,225.00

## *Administrative Hearing*

Administrative Hearing:	ABFS17-0025 ABFS vs. Donald M. Phillips, James Carl Pritchard, Jr., and Alabama Funeral Homes	
<i>Charges - Code of Alabama, 1975</i>		<b>Penalty</b>
<ol style="list-style-type: none"> <li>1. Phillips and AFH failed to maintain an identification system that ensured the ability to identify human remains in its possession throughout all phases of the cremation process, in violation of ALA. CODE § 34-13-121(g).</li> <li>2. Phillips and AFH failed to cremate human remains in combustible cremation containers, in violation of ALA. CODE § 34-13-121(i).</li> <li>3. Phillips willfully misrepresented facts regarding a matter under investigation by the Board, in violation of ALA. CODE § 34-13-56(a)(2)(z).</li> <li>4. Phillips and AFH demonstrated incompetence by failing to comply with cremation procedures, failure to properly attest identity, and failure to properly document their action, in violation of ALA. CODE §§ 34-13-121 and 34-13-56(a)(2)(dd).</li> <li>5. Phillips failed to be in full charge and control as Managing Funeral Director of AFH, in violation of ALA. CODE § 34-13-112.</li> </ol>		<p>Phillips guilty on all counts. Fined \$6500.00, Funeral Director and Embalmer's license suspended for 30 days. Probation for 3 years.</p> <p>AFH guilty on counts 1, 2, and 3. Fined \$7500.00, Establishment's license suspended for 30 days. Probation for 3 years.</p>

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## ***CONTINUING EDUCATION***

*The Alabama Board of Funeral Services will offer continuing education credit to licensees that attend quarterly board meetings.*

### **Approved Continuing Education Providers 2016-2018**

**Academy of Graduate Embalmers**  
770.445.3180  
academyga@aol.com

**ABFS**  
334.242.4049  
www.fsb.alabama.gov

**Alabama Department of Public Health  
Center for Emergency Preparedness**  
334.206.7935  
tim.hatch@adph.state.al.us

**AFDA**  
334.956.8000  
www.alabamafda.org

**AFDA&MA**  
www.alabamafdma.org

**Alabama National Cemetery**  
205.665.9039  
quincy.whitehead@va.gov

**APEX (continuing education solutions)**  
800.769.8996  
apexces.com

**Aurora Matthews Funeral Solutions**  
800.457.1111  
auroracasket.com

**Batesville Casket Company**  
812.934.7500  
batesville.com

**CANA-Cremation Association of  
North America**  
312.245.1077  
cremationassociation.org

**Community Grief Support**  
205.870.8667  
ssweatcgss@bellsouth.net

**Cost Segregation Services, Inc.**  
256.683.3397  
greg@costsegregationservices.com

**Dignity University**  
713.525.7348  
dignity.university@Sci-us.com

**Elite Professional Education, LLC**  
888.857.6920  
www.elitecme.com

**Federated Funeral Directors Association**  
217.391.5701  
smayfield@ffda.com

**Federated Insurance**  
507.455.5340  
arwillert@fedins.com

**Funeral CE (a service of Web CE)**  
877.332.8480  
www.Funeralce.com

**Funeral Compliance, LLC**  
865.405.7085  
brad@365osha.com

**FuneralContinuingEducation.com**  
718.608.6000  
www.funeralcontinuingeducation.com

**Funeral Direct Ed**  
272.505.8746  
funeraldirected.com

**Georgia Funeral Directors Association**  
770.592.8002  
sboling@gfda.org

**Insight Institute**  
405.810.9501  
glenda@insightbooks.com

**International Order of the Golden  
Rule**  
800.63.8030  
www.ogr.org/webinars

**Jefferson State Community College**  
205.856.7847  
vriley@jeffstateonline.com

**Kate-Boylston Publication**  
732.730.2586  
tparmalee@ucg.com

**Matthews International**  
800.327.2831  
matthewscremation.com

**Memoriams, by Ancestry**  
303.268.1537  
jvosburg@memoriams.com

**Mississippi Funeral Directors  
Association**  
601.978.1920  
kathleen@tatmangroup.com

**Mobile Memorial Gardens Funeral  
Home**  
251.661.7700  
service@mobilememorialfunerals.com

**NFDA&MA**  
770.969.0064  
ndfma.com

**NFDA**  
800.228.6332  
nfda.org

**National Funeral Professionals  
Association**  
251.441.7688  
tristatemorturay@gmail.com

**Practicum Strategies**  
800.731.4714  
pshomestudy.com

**Professional Partners, LLC**  
309-828-2415  
professionalpartnersonline.com

**R. Bruce Wilson**  
256.717.5166  
bwilson9@tds.net

**Royal Funeral Home, Inc.**  
256.534.8481  
info@royalfh.com

**Scott's Chapel Hill Mortuary**  
334.377.1511  
chapelhill@centurytel.net

**Selected Independent Funeral Homes**  
847.236.9401  
stefanief@selectedfuneralhomes.org

**Smalls Mortuary Inc. and Cremation Services**  
251.990.3929  
smallsmortuary.com

**Stericycle, Inc.**  
716.481.7572  
RLBestNY@gmail.com

**Tennessee Funeral Directors Association**  
615.321.8792  
office@tnfda.org

**Thanos Institute**  
800.742.8257  
www.thanosinstitute.com

**The Dodge Company, Inc.**  
800.443.6343  
seminars@dodgeco.com

**The North American Division of the British Institute of Embalmers**  
207.841.6330  
sallybelanger@comcast.net

**Van Hoose & Steele Funeral Home**  
205.759.5736  
bad.madison@yahoo.com

\*\*\*CONTACT THE PROVIDER FOR DETAILS ON APPROVED COURSES\*\*\*

No endorsement is intended or made of any link, product, service or information either by its inclusion or exclusion from the Alabama Board of Funeral Service website.

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## *Free 1 Hour Continuing Education Opportunity from The Conference*

Dear Licensed Funeral Practitioner,

Please take some time to complete the Funeral Practitioner Job/Task Analysis Survey and share this link with your fellow licensed practitioners. This survey will help capture new developments in the field as well as shape future Funeral Service licensure exams. Your participation is crucial to better understanding the job and the nature of the field, and it is extremely important that you provide your feedback about the job by completing this survey. The following link will lead you to the survey, as well as instructions as to how to complete it. By completing the survey, Alabama Licensees will earn 1 Hour Continuing Education credit. Participants **will not** receive a certificate for completing the survey; however, the conference will supply the Board a list of everyone that completes the survey. Thank you in advance for your time and feedback!

### **Survey Link:**

<https://www.research.net/r/2955P39>

*In the circulation of the survey, you may receive the link more than once, but only one submission is requested.*

If you have any questions regarding the survey, please direct them to Sarah Gill at [exams@theconferenceonline.org](mailto:exams@theconferenceonline.org).

Lauren Thomas  
Member Services Manager

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