



Alabama Board of Funeral Service

Notice of Intended Action and Public Hearing

September 6, 2017

Prior Notice

Prior notice of Intended Action concerning the proposed changes to the administrative rule had been filed with Legislative Reference Service, published in volume XXXV, Issue No. 10 of the July 31, 2017 edition of the Administrative Monthly, and notice of the intended action and the public hearing were distributed to all licensees via electronic format on July 24, 2017.

Attendance

The following members were present: Mark Craddock, Lorenzo Wright, Sammy Seroyer, Calvin Meadows, Bart Kirtland, John C. Rudder, and Jason Wyatt. Staff present; Charles M. Perine, Executive Secretary, and E. Denise Grogan, Associate Executive Secretary, recording. Also, present general counsel for the Board T. Cameron McEwen.

The following members were absent: None

Call to Order

Following a roll call to establish a quorum, Mr. Craddock called to order the meeting and public hearing of the Alabama Board of Funeral Service at 9:00 a.m. on September 6, 2017 in Room 200 of the State House, 11 South Union Street, Montgomery, Alabama.

Intended Action and Public Hearing

Mr. Craddock opened the floor to those in attendance for comments concerning the proposed administrative rule. Being no comments, Mr. Perine stated the Board had received several written comments concerning the proposed administrative rule and each one would be discussed during the public hearing.

Mr. Craddock read comments concerning
395-X-2-.08 Crematory Operatory Training Course

Comments:

1. Board staff:
 - a. Rename title "Cremationist"
 - b. Add Requirement for one affidavit by a crematory operator.



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2. Benjie Hughes:
 - a. (2) "Why recertify every 4 years, Embalmers and FD's don't have to recertify ever! If you work at the same establishment and on same retort why recertify? I don't know anyone who buys a new retort every 4 years, which would require re-training. This is a burden I don't want or need placed on cremationist or owners."
3. William C. Havens
 - a. "In my Humble opinion I dont feel Cremation Operator Certification should be required if your Funeral establishment does not participate and have a on site working crematory and takes Human remains to be cremated to a off site crematory contractor thus all the cremation process is performed by another licensed agent to cremate on the behalf of other funeral professionals. Thank you very much for your time sir in this matter!"

Following much discussion concerning recertification of crematory operators from those in attendance including: Mark Craddock, Martin Powers, Mike Morrison, Randy Anderson, Mark Bement, Cameron McEwen, John C. Rudder, Bart Kirtland, Howard G. Johnson, Calvin Meadows, Jason Wyatt, and Jimmy Tindoll, the Board responded with the following answer.

Answer:

1.
 - a. 395-X-2-.08 retitled "Cremationist"
 - b. 395-X-2-.08(d) Requirement added for one affidavit by a crematory operator
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. Crematory operator certification is not required by those who will not perform cremations.

Mr. Craddock read comments concerning
395-X-3-.03(5)(a) Apprentice Supervision

Comments:

1. Board Staff:
 - a. Correction of word "presence" to "premises"



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Being no discussion, the Board responded with the following answer:

Answer:

395-X-3-.03(5)(a) Correct the word "presence" to "premises"

Mr. Craddock read comments concerning

395-X-4-.05 Business Cards

Comments:

1. Mark Bement
 - a. "Business cards....This is just plain meddling...If the concern is about people misrepresenting themselves then one would think that they are committing a fraud which would fall under other headings of the law."

2. Howard G. Johnson
 - a. "I am asking that the Board make it explicitly clear that no title be created, or used, in a manner, as to mislead or deceive the public into believing that an individual is licensed or possessing such skills which would lead the layperson to believe that one is licensed. Such title creations could include, but not be limited to: "Service Director, Embalming Practitioner, Professional Director, Funeral Service Professional, etc." I am requesting that the following words: Funeral, Service, Embalm, Director, Mortician, Professional, or any derivative or variation thereof, not be used in a NON-LICENSEE JOB TITLE in any manner. This request is made to uphold the standards of licensure and the maintenance of credibility."

Following much discussion concerning business cards from those in attendance including: Mark Craddock, Martin Powers, John C. Rudder, Randy Anderson, Mark Bement, Cameron McEwen, Willie Turner, Cartez Hall, Howard G. Johnson, Calvin Meadows, Ceola Henderson, and Lorenzo Wright, the Board responded with the following answer.

Answer:

395-X-4-.05 Business Cards

If the business card of a funeral establishment contains the name of an individual, the individual's job title must be stated on the business card. If the job title stated on the business card is funeral director, embalmer, undertaker, mortician, cremationist, apprentice funeral director or apprentice embalmer **or any like title**, the individual must hold a current license or certificate issued by the Board.



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Mr. Craddock read comments concerning
395-X-6-.06(2)(a) Embalming Authorization

Comments:

1. Howard G. Johnson
 - a. "During the arrangement conference, the general price list is presented and the next of kin signs the statement of goods and services, which itemizes the embalming fee and states the reason for same. The next of kin then receives a copy for their retention. It is our opinion that absent a signed embalming authorization, a signed statement of goods and services selected, which has been properly completed, should infer authorization for embalming!"

Following discussion concerning when to obtain written authorization for embalming from those in attendance including: Howard G. Johnson, Mark Craddock, and Martin Powers, the Board responded with the following answer.

Answer: No change made

395-X-6-.06(2)(a) Embalming Authorization

In accordance with the Federal Trade Commission Funeral Rule, express consent must be obtained prior to embalming. The express consent must be documented and retained in the decedent's file. In addition to express consent, the funeral establishment must obtain written authorization for embalming from the authorizing agent during the funeral arrangement conference.

Mr. Craddock read comments concerning
395-X-6-.07(2) Identification of Dead Human Bodies

Comments:

1. Benjie Hughes
 - a. "(2)(e) I believe for proper ID, the Race should be on the bracelet"

Following discussion concerning information required on the non-detachable ankle bracelet from those in attendance including: Mark Bement, Mark Craddock, Mike Morrison, and Jimmy Tindol, the Board responded with the following answer.

Answer:



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395-X-6-.07(2) Identification of Dead Human Bodies

The non-detachable ankle bracelet may contain any information at the discretion of the establishment in addition to the following required information the concerning the deceased:

- a. **First and last name**
- b. **Date of Death**
- c. **Name of Funeral Establishment**

Mr. Craddock read the comments concerning

395-X-6-.11 Refrigeration Unit

Comments:

1. Mark Bement
 - a. "For smaller firms that may be considering a retort in the future I don't see why a 2 body unit would not be sufficient."

Following discussion concerning refrigeration from those in attendance, the Board responded with the following answer.

Answer: No change made

395-X-6-.11(1)(a) Refrigeration Unit

Refrigeration units for the storage of human remains in a crematory facility shall:

- a. Hold a minimum 3 human remains

Mr. Craddock read the comments concerning

395-X-6-.12 Combustible Cremation Container

Comments:

1. Benjie Hughes
 - a. "Human remains.....This Sentence is missing words, not a complete thought."
 - i. Board Staff
 1. Add "to be cremated" after remains and Add "the" after to
 - b. "Race should be listed on ID bracelets or container labels."

Answer:

395-X-6-.12 Combustible Cremation Container



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Human remains **to be cremated** shall be immediately placed in or delivered to **the** crematory in a combustible container marked with the following identifying information directly on the container:

- (a) First and last name**
- (b) Date of Death**
- (c) Name of Funeral Establishment**

Mr. Craddock read comments concerning
395-X-6-.14 Cremation Records

Comments:

- 1. Benjie Hughes
 - a. "Cremation Records. (a) wording of this sentence needs cleaned up."
 - i. Board Staff
 - 1. Cremation Log. (a) add "log" after "The"

Answer:

395-X-6-.14(1)(a) Cremation Records

The **cremation log** shall be in simple log form containing:

Mr. Craddock read comments concerning
395-X-6-.09 .15 Inspection Penalties

Comments:

- 1. Benjie Hughes
 - a. "#12. (a) I am embarrassed to see the word "residue" in any sentence, discussion, or vocabulary list related to the process of cremation. Change this to **cremated remains**, since that is what is left anytime a body is cremated."

Answer: No change made

Mr. Craddock stated that the word residue was used in statute §34-13-121(i) and could not be changed in the Administrative Rule

Mr. Craddock read other comments received concerning the location of a cremation chamber and advertising cremation services.



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Comment:

1. Mark Bement

- a. "Location...retort would have to be on the premises. What is a firm is pretty well land locked but has (or could obtain property) nearby for housing the retort? Why should they have to be put in the position of geeing a second location licensed separately just to house their unit? How about a distance radius from actual office for usage of available property?"
- b. "Advertising cremation services...I can't say I am agreeable to this requirement. As an offerer of cremation services (but not having a retort) I really don't see what good this does. I don't make caskets, vaults, stationeries either but I offer them. I'm not required to state that (and shouldn't be). I really feel that this was thrown in to pacify some in the industry who don't like their competition. Maybe I'm right, maybe not."

Following discussion from those in attendance including: Mark Bement, Mark Craddock, Cameron McEwen, John Cawley, and Martin Powers, the Board responded with the following answer.

Answer: No change made

- a. §34-13-120(b)(3) Code of Alabama, 1975, states that crematory must be fixed on the premises of a funeral establishment.
- b. §34-13-110(a)(1) Any funeral establishment advertising cremation or cremation services that does not own a crematory shall include the following disclaimer in a clear and conspicuous manner on all advertisements and printed material: "This establishment does not own a crematory"

Mr. Perine stated a comment was received by the Board after time had elapsed for receipt of comments. Howard Burton commented on the removal of wording in 395-X-1-.01 that included, "No more that for (4) members of the Board shall be of the same race, nor shall the chair or vice chair be of the same race." Mr. Perine stated this was already stated in §34-13-20 and there was no need to repeat the same wording in administrative rule.

Considering all comments and being no other questions or objections, Mr. Wright moved to approve and adopt and certify the proposed amendments and new rules to the Alabama Board of Funeral Service Administrative Rules with changes. Seconded by Mr. Wyatt.

Yes Votes: Mr. Craddock, Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

No Votes: None

Abstain: None



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The motion passed unanimously.

Mr. Perine informed the Board of a Non-Criminal Justice Disciplinary Policy to establish guidelines for disciplinary action in regards to misuse or violations concerning the Board's materials, records and information obtained thereof. This policy would be for agency employees, non-paid employees, and vendors/contractors with access to the Board materials, records and information.

Mr. Perine also informed the Board of the personnel sanctions for unauthorized access, use or disclosure of criminal history record information issued by the Alabama Law Enforcement Agency (ALEA), which shall pertain to all employees, contractor, vendors, temporary employees, interns and guests that access the agency's information systems network.

Mr. Meadows made a motion seconded by Mr. Wright to accept the policies introduced by Mr. Perine.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

No votes: None

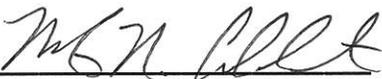
Abstain: None

The motion passed unanimously.

Adjournment

Being no other business Mr. Craddock asked for a motion to adjourn and reconvene at 9:00 a.m. on October 2, 2017. Mr. Meadows made a motion seconded by Mr. Wright to adjourn the meeting at 11:00 a.m. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X 

Mark N. Craddock
Chair

X 

Charles M. Perine
Executive Secretary