

ALABAMA STATEHOUSE, SUITE 106

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STATE OF ALABAMA
BOARD OF DIRECTORS

STAFF

CHARLES M. PERINE, CFSP
EXECUTIVE DIRECTOR

E. DENISE GROGAN
ASSOCIATE EXECUTIVE DIRECTOR

SHERRY DAWSON
ADMINISTRATIVE ASSISTANT

T. CAMERON McEWEN
GENERAL COUNSEL

Mark N. Craddock
District One

Lorenzo Wright
District Two

Sammy Seroyer
District Three

Bart Kirtland
District Four

John C. Rudder
District Five

Calvin Meadows
District Six

Jason Wyatt
District Seven

July 24, 2017

Notice of Intended Action and Public Hearing

Act No. 2017-433 (House Bill 212), signed by Governor Kay Ivey, will cause significant changes to the Alabama Funeral Service Law. As a result of these changes, it has become necessary for the Funeral Service Administrative Laws to be amended. In accordance with Section 34-13-26 and the Alabama Administrative Code, Code of Alabama, 1975, the Board reviewed House Bill 212 and the current administrative laws, voted on and filed with the Legislative Reference Service Administrative Procedure Division the attached proposed intended actions.

Written or electronic mail comments regarding the proposed amendments will be accepted by the Board until September 5, 2017. A public hearing regarding those comments will be held during a special call meeting of the Board on September 6, 2017 at 9:00 a.m., in Room 200 of the Alabama State House, 11 South Union St., Montgomery, Alabama.

Comments sent by electronic mail should be sent to charles.perine@fsb.alabama.gov. Written comments should be mailed to the Board's office at P.O. Box 309522, Montgomery, AL 36130.

Charles M. Perine, CFSP
Executive Director
Alabama Board of Funeral Service

Alabama Board of Funeral Service
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-1-.01 Organization
395-X-1-.02 Nomination and Appointment
395-X-1-.03 Meetings
395-X-1-.04 Board Staff

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-1-.01, Rule No. 395-X-1-.02, Rule No. 395-X-1-.03, and Rule No. 395-X-1-.04.

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend language to Rule No. 395-X-1-.01 changing the board members' terms to four (4) year terms only being able to serve two (2) consecutive terms and it adds language allow for two consumer members to be added to the board. The Board proposes to add language in Rule No. 395-X-1-.02 requiring one consumer member to be appointed by the Lieutenant Governor, one appointed by the Speaker of the House, using their own discretion, and sets the terms of the consumer members. The Board proposes to amend language in Rule No. 395-X-1-.03 and Rule No. 395-X-1-.04 to change the title of Executive Secretary to Executive Director.

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

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 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, Rules, Regulation (LRR) Examination
395-X-2-.07 Continuing Education
395-X-2-.08 Crematory Operator Training Course “New Rule”

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-2-.01, Rule No. 395-X-2-.02, Rule No. 395-X-2-.03, and Rule No. 395-X-2-.04, Rule No. 395-X-2-.05, Rule No. 395-X-2-.07. The Alabama Board of Funeral Service also proposes to add a new rule as Rule No. 395-X-2-.08 titled “Crematory Operator Training Course”.

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend language to Rule No. 395-X-2-.01 changing the board examination score to a scaled score. The Board proposes to amend language to Rule No. 395-X-2-.02 placing all licenses on a two-year renewal cycle. The Board proposes to amend language in Rule No. 395-X-2-.03 to change the fees for licenses to reflect the two-year renewal and establish a fee for Crematory Registration fee, Cremationist Application Fee, Cremationist Renewal Fee, Continuing Education Provider Fee, Replacement License Fee, and the Laws, Rule, Regulation Exam Fee. The Board proposes to amend Rule No. 395-X-2-.04 to require all licenses, registration, or certificate to be on public display. The Board proposes to amend Rule No. 395-X-2-.05 to add language set a time frame and fee for the LRR Exam and to give the Board ‘s staff the authority to administer the exam. The Board proposes to amend Rule No. 395-X-2-.07 to add language requiring a course in ethics and blood-borne pathogens/universal precautions be a part of the required eight hours of continuing education. It further requires each provider pay an administrative fee of \$200.00 every two years to be registered as a provider. It removes the continuing education random audit language and allows for 4 hours of carry over hours above the 8-hour requirement. The Board proposes to add a new rule as Rule No. 395-X-2-.08 titled “Crematory Operator Training Course” to require the training course be a minimum of 7 hours, a certificate of completion be submitted to the Board, allow for a re-fresher course for certification older than 4 years, and to allow a special work permit be issued to individuals who have met all the requirements for a cremationist license but are waiting for a crematory operator training course.

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07/04

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Alabama Board of Funeral Service

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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.

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AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-4-.04 Managing Funeral Director "New Rule"
395-X-4-.05 Business Cards "New Rule"
395-X-4-.06 Records "New Rule"

INTENDED ACTION: The Alabama Board of Funeral Service proposes to add new rules as Rule No. 395-X-4-.04 titled "Managing Funeral Director", Rule No. 395-X-4-.05 titled "Business Cards", and Rule No. 395-X-4-.06 titled "Records".

SUBSTANCE OF PROPOSED ACTION: The Board proposes to add new rule Rule No. 395-X-4-.04 titled "Managing Funeral Director" to clarify that the managing funeral director must live within 75 miles of the establishment from the physical address of the establishment to the physical address of the funeral director's residence. The Board proposes to add new rule Rule No. 395-X-4-.05 titled "Business Cards" to require the job title of an individual be listed on an establishment business card. The Board proposes to add new rule Rule No. 395-X-4-.06 titled "Records" to require all records required by the funeral law be kept on site of the funeral establishment.

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Alabama Board of Funeral Service

Alabama Board of Funeral Service
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

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|------------------------------|-------------|--|
| <u>RULE NO. & TITLE:</u> | 395-X-6-.06 | Embalming Records |
| | 395-X-6-.07 | Identification of Dead Human Bodies |
| | 395-X-6-.09 | Crematory “New Rule” |
| | 395-X-6-.10 | Crematory Holding Room “New Rule” |
| | 395-X-6-.11 | Refrigeration Unit “New Rule” |
| | 395-X-6-.12 | Combustible Cremation Container “New Rule” |
| | 395-X-6-.13 | Internal Identification System “New Rule” |
| | 395-X-6-.14 | Cremation Records “New Rule” |
| | 395-X-6-.15 | Inspection Penalties |

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-6-.06, Rule No. 395-X-6-.07, and Rule No. 395-X-6-.15. The Alabama Board of Funeral Service proposes to add new rules as Rule No. 395-X-6-.09 titled “Crematory”, Rule No. 395-X-6-.10 titled “Crematory Holding Room”, Rule No. 395-X-6-.11 titled “Refrigeration Unit”, Rule No. 395-X-6-.12 titled “Combustible Cremation Container”, Rule No. 395-X-6-.13 titled “Internal Identification System, and Rule No. 395-X-6-.14 titled “Cremation Records”.

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend Rule No. 395-X-6-.06 to add language require a written embalming authorization be obtain by the funeral establishment in addition to verbal authorization. The Board proposes to amend Rule No. 395-X-6-.07 to add required identifying information on a decedents identification band. The Board proposes to amend Rule No. 395-X-6-.15 formally 395-X-6-.09 to add penalties for minor violation for a crematory. The Board proposes to add new rule Rule No. 395-X-6-.09 titled “Crematory” to clarify who must comply with the crematory facility requirements. The Board proposes to add new rule Rule No. 395-X-6-.10 titled “Crematory Holding Room” to establish the requirements for a holding room in a crematory facility. The Board proposes to add new rule Rule No. 395-X-6-.11 titled “Refrigeration Unit” to establish the size and constant temperature of a refrigeration unit to retain human remains in a crematory facility and to prohibit stacking human remains on top of each other. The Board proposes to add new rule Rule No. 395-X-6-.12 titled “Combustible Cremation Container” to add language requiring identifying information of the decease be marked o the container. The Board proposes to add new rule Rule No. 395-X-6-.13 titled “Internal Identification System” to require metal tags be the internal identification system to be used by crematory, the placement of the metal at the completion of the process, and the requirement for all receptacles containing cremated remains be labeled with the identity of the remains. The Board proposes to add new rule Rule No. 395-X-6-.14 titled “Cremation Records” to list required information on the cremation log and cremation authorization form.

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