

ALABAMA BOARD OF FUNERAL SERVICE

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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 70% 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: Warren S. Higgins

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.

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. Renewal notices shall be mailed by the Board office at least sixty (60) days prior to the expiration date. 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.

395-X-2-.03 License Renewal Fees. The fees for license renewal are as follows:

- (a) Funeral Director.....\$ 50.00
- (b) Embalmer.....\$ 50.00
- (c) Practical Embalmer.....\$ 50.00
- (d) Apprentice.....\$ 20.00
- (e) Establishment Operators.....\$100.00

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26, 34-13-53(a).

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.

395-X-2-.04 Original Application Fees. The fees for an original application are as follows:

- (a) Funeral Director.....\$ 50.00
- (b) Embalmer.....\$ 50.00
- (c) Apprentice.....\$ 20.00
- (d) Establishment.....\$200.00

Author: Warren S. Higgins

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

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.

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 70% 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: Warren S. Higgins

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

History: Filed August 9, 1985.

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.

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395-X-3-.01 Apprentice Funeral Director. Each apprentice funeral director shall assist in conducting a minimum of twenty (20) funerals each year of his/her apprenticeship; it being the specific intent of the Board that no person shall be approved for funeral director licensure unless he/she has assisted in conducting a minimum of forty (40) funerals prior to application for licensure. Each apprentice funeral director shall maintain a record of said services containing the name of the deceased, date of service, and signature of the supervising funeral director. Said record shall be submitted to the Board with the apprentice annual report and forms shall be supplied to the apprentice by the Board with the original application and each renewal notice thereafter. The provisions of this regulation shall come in effect for each apprentice originally applying on or after October 1, 1985, and shall be in addition to requirements provided in Title 34, Chapter 13, Code of Ala. 1975.

Author: Board of Funeral Service

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

History: Amended: Filed August 9, 1985. (Rule previously entitled "Apprentice Funeral Directors and Embalmers.")

395-X-3-.02 Apprentice Embalmer. Each apprentice embalmer shall assist in embalming a minimum of twenty (20) human dead bodies each year of his/her apprenticeship, it being the specific intent of the Board that no person shall be approved for embalmer licensure unless he/she has assisted in embalming a minimum forty (40) human dead bodies prior to application for licensure. Each apprentice embalmer shall maintain a record of said embalming, containing the name of the deceased, date of embalming, and signature of the supervising embalmer. Said record shall be submitted to the Board with the apprentice annual report and forms shall be supplied to the apprentice by the Board with the original application and each renewal notice thereafter. The provision of this regulation shall come into effect for each apprentice originally applying on or after October 1, 1985, and shall be in addition to requirements provided in Title 34, Chapter 13, Code of Ala. 1975.

Author: Board of Funeral Service

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

History: Amended: Filed August 9, 1985. (Rule previously entitled "Apprentice Annual Reports.")

395-X-3-.03 Apprentice Supervision.

(1) Title 34, Chapter 13, Code of Ala. 1975, requires apprentice funeral director's period of apprenticeship to be under the supervision of a licensed funeral director. Title 34, Chapter 13, Code of Ala. 1975, requires apprentice embalmers' period of apprenticeship to be under the supervision of a licensed embalmer.

(2) Whenever an apprentice funeral director or apprentice embalmer is performing any of the activities or duties of licensed funeral directors or embalmers, respectively, a licensed funeral director or licensed embalmer under whose supervision the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must:

(a) be present on the premises of the funeral establishment where the activities or duties are being performed; and

(b) be readily available to assist the apprentice.

(3) In an apprentice funeral director or apprentice embalmer is performing any of the activities or duties of licensed funeral directors or embalmers, respectively, and that work is not being performed on the premises of the funeral establishment, a licensed funeral director or licensed embalmer under whose supervision the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must:

(a) be present on the presence of the church, synagogue, chapel, auditorium, cemetery, or any other location where the activities or duties are being performed; and

(b) be readily available to assist the apprentice.

Author: Alice Maples

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

History: New Rule: Filed August 10, 2004; effective September 14, 2004.

CHAPTER 395-X-4 INVESTIGATIONS AND INSPECTIONS

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395-X-4-.02 Annual Inspections Of Funeral Establishments

395-X-4-.03 Complaints And Investigations

395-X-4-.01 Original Inspection Of Funeral Establishments. Before a funeral establishment may open for business, an inspection of the premises must be made by one of the Board's staff or its members to verify that the establishment is in compliance with all rules and laws. The Board shall charge a fee of thirty-five (35) dollars for the first inspection and seventy-five (75) dollars for any reinspection necessitated by failure to meet minimum requirements in the first inspection.

Author:

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

History: Amended: Filed August 8, 1986.

395-X-4-.02 Annual Inspections Of Funeral Establishments. The Board shall inspect each funeral establishment at least once annually to ensure sufficient operation of the establishments. The Board shall charge a fee of thirty-five (35) dollars for each inspection conducted as provided in Code of Ala. 1975, § 34-13-111(b). Said fees shall be submitted to the Board within forty-five (45) days of the inspection. Should an establishment be found to be noncompliant of state funeral service laws or regulations, the inspector may give the establishment a specified period of time, to be set by the inspector, to correct the violations. Following the duration of such period, said establishment will be reinspected. Should the same violations remain, the establishment operator will be notified to appear before the Board to answer charges of violating state

funeral service laws or regulations. It is hereby declared to be the intent of the Board that such period

of compliance and reinspection is left completely to the discretion of the investigator and should violations or inadequacies found on the initial inspection pose serious consequences, the investigator may request the establishment operator to appear before the Board for such violations without providing period of compliance on reinspection.

Author:

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

History: Amended: Filed August 8, 1986.

395-X-4-.03 Complaints And Investigations. Any person who feels that a licensee has committed an act which is in violation of state laws or regulations relating to funeral service may make a complaint to the Board. The Board will only accept formal written complaints unless in the discretion of the Board representative receiving the complaint, there is sufficient information supplied by an oral complaint to warrant further investigation. After a complaint is received and reviewed, the Board staff may conduct an investigation into the charges. If an investigation is initiated, upon its completion, the investigator, along with one Board member and/or legal counsel, shall review the evidence obtained to decide if an administrative hearing by the Board is necessary. If such hearing takes place, the Board and its staff shall inform the accused licensee and meet any other requirements as set forth in Title 34, Chapter 13, and Title 41, Chapter 22, Code of Ala. 1975, relating to administrative hearings. Should a Board member be involved in the investigation or in deciding the necessity of a hearing, said member shall not participate in hearing the merits of the case or the final decision process of the hearing.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.**History:** Filed August 8, 1986.

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395-X-5-.01 Payments To The Board

395-X-5-.01 Payments To The Board. The Board will only accept cash, money orders, certified checks, and cashiers checks as payment if the issuer has previously issued a bad check to the Board. Personal or business checks will be accepted as long as the said checks are collectable.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.**History:** Filed April 6, 1983.

CHAPTER 395-X-6 FUNERAL ESTABLISHMENT REQUIREMENTS

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395-X-6-.01 Preparation Room. The preparation room of a funeral establishment shall have at least one approved embalming table and all professional instruments necessary for embalming and the preparation of dead human bodies. The walls and floors shall be non-porous for easy cleaning. The preparation room shall be equipped with hot and cold running water, a ventilation fan, container or receptacles for soiled linen or clothing, and devices for proper drainage and waste disposal. All contents or items shall be kept clean of blood when not in use and at no time will the preparation room be used as a storage area.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-6-.02 Display Or Selection Room. Each establishment shall have a selection or display room for persons to view available funeral merchandise or supplies. In addition to statutory requirements the display room shall be clean and neatly arranged and shall be stocked with a minimum of eight (8) adult caskets.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-6-.03 Rest Rooms. Each establishment shall have at least one public rest room. The rest room(s) shall have nonporous floors and clean walls and also shall be equipped with hot and cold running water, roll or disposable towels, and necessary lighting for adequate visibility. The rest room(s) shall not be used as a storage area for mops, brooms, or any other items.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-6-.04 General Interior. The interior of the establishment shall be maintained to assure that there are no rotten or deteriorated boards or flooring which would be subject to public travel. All outside openings shall be screened, covered, or otherwise sealed to prevent the entrance of insects or rodents. Any openings between the preparation room and public areas shall be sealed to prevent fumes from escaping into such areas. All public areas should be maintained to present a clean and attractive appearance which includes the repair and maintenance of all walls and floors which may have holes, scaling paint, or any other deterioration.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-6-.05 General Exterior. The exterior and immediate surroundings of the establishment should be maintained to assure that the premises be free of litter and debris and that all areas subject to public travel be free of objects or other matter which could cause possible injury. All roofing or overhead covering shall be maintained to prevent any leaks to the interior of the establishment.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-6-.06 Embalming Records. Each funeral establishment in the state, beginning January 1, 1986, shall keep a record of each human dead body embalmed at said establishment and shall retain such record for a period of not less than four (4) years. The record may be in simple log form, but shall contain the name of the deceased, date of embalming, time embalming procedure began and ended, and the signature of the embalmer. Said records may contain any additional information, at the discretion of the establishment, so long as it meets the aforementioned provisions. Embalming records will be checked during the annual inspection beginning fiscal year 1986-87.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26. **History:** Filed August 9, 1985.

CHAPTER 395-X-7 EYE ENUCLEATING TECHNICIANS

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395-X-7-.02 Certification Training Course

395-X-7-.03 Licensure And Renewal

395-X-7-.01 Application. Anyone wishing to become a licensed eye enucleating technician shall make written application to the Board on a form provided by the Board or the Alabama Lion's Eye and Tissue Bank. In order to qualify for a license as an enucleating technician, the applicant shall:

(a) be a licensed embalmer in the state of Alabama;

(b) have completed a course of study in mortuary science at such school or college as defined in the state funeral service laws; and

(c) have completed a certification training course of the Alabama Lion's Eye and Tissue Bank in eye enucleation instruction.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-7-.02 Certification Training Course. Anyone meeting all other requirements for licensure and wishing to enroll in the enucleation certification training course may do so by informing the Board office or the Alabama Lion's Eye and Tissue Bank prior to the date of the course, which shall be set by the eye bank. It is the Board's intent that an

apprentice embalmer may enroll in the training course, provided the said apprentice will become eligible for an embalmer license within six months of the training course.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

395-X-7-.03 Licensure And Renewal. Each licensed enucleating technician shall be eligible for renewal of said license each October 1st by performing at least one eye enucleation or completing a refresher training course not more than two years prior to said renewal date. The Alabama Lion's Eye and Tissue Bank shall keep an accurate record of all enucleations and of those persons completing refresher training courses and submit to the Board, no later than September 1 of each year, a list of all licensed technicians eligible for renewal. Should a licensee fail to meet the renewal requirements of this section, the license may only be renewed by completing a refresher training course.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.**History:** Filed July 31, 1984,