

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-2-.07

Rule Title: Continuing Education

X New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

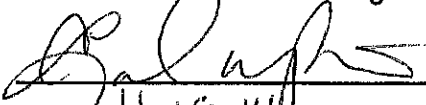
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 4-18-14

(DATE FILED)
(STAMP)

Alabama Board of Funeral Service

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-2-.02 Renewal of License
395-X-2-.03 Fees
395-X-2-.07 Continuing Education (NEW)

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-2-.02 and Rule No. 395-X-2-.03. The Alabama Board of Funeral Service proposes to add a new rule as Rule No. 395-X-2-.07 titled " Continuing Education" .

SUBSTANCE OF PROPOSED ACTION: The Board proposes to remove the language requiring the Board to mail renewal notices, and adding language requiring the Board to provide notice by electronic format in accordance with the new statutory requirement. The Board proposes to clarify the fee for Establishment Change of Ownership of \$250.00 and License Transfer of \$25.00. The Board proposes to add a new rule as Rule No. 395-X-2-.07 titled " Continuing Education" requiring all licensees to complete 8 hours of continuing education every 2 years and outlining the requirements for a continuing education sponsor and the penalty for not complying with the 8 hours continuing education requirement as set by the statute.

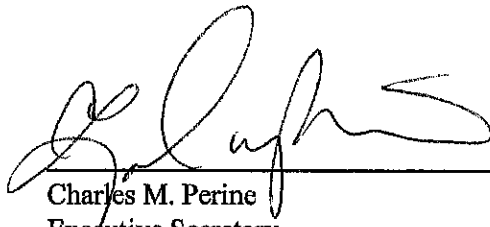
TIME, PLACE, MANNER OF PRESENTING VIEWS: Written, verbal or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Wednesday, June 4, 2014
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: Wednesday, June 4, 2014

CONTACT PERSON AT AGENCY:

Charles M. Perine
Executive Secretary
11 South Union Street
Suite 106
Montgomery, AL 36104



Charles M. Perine
Executive Secretary
Alabama Board of Funeral Service

395-X-2-.07 Continuing Education. "New Rule"

(a). 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.

(b.) An approved program of activity shall:

- (1)** Constitute an organized program or course of learning dealing with matters directly related to the practice of funeral directing, embalming, or funeral service.
- (2)** Be in the format of a lecture, workshop, seminar, conference, or internet based program or course.
- (3)** It permits attendance by all funeral directors and embalmers in the State of Alabama.

(c). 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.

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

- (1)** Sponsor's name;
- (2)** Licensee's name and license number;
- (3)** Approved course title;
- (4)** Date of course completion;
- (5)** Course location;
- (6)** Number of approved continuing education credit hours awarded; and
- (7)** Signature of sponsor or representative for sponsor.

(e). 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.

(f). 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.

(g). 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.

(h). Failure to comply with the continuing education audit shall result in:

(1). 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.

(2). A \$300 non-compliance penalty must be paid before a license is subject to renewal if the individual has not obtained the required continuing education for that period.

(A) The non-compliance fee does not eliminate the requirement for obtaining the require continuing education hours during the two year period. Repeat offenders will be subject to further disciplinary action by the Board before a license is renewed.

(i). 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.

(j). 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.

(k). 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: Repealed and New Rule: Filed April 18, 2014