



September 5, 2014

QUARTERLY NEWSLETTER

Quarterly 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:

Marcus T. Jones	Jason W. Meadows	Bree E. Puckett	Whitney L. Waddell
Gary E. Connick	Daisy C. White	Tomorrow S. Young	Johnnie M. Walley, Jr.
Desi M. Corley	Alexandria K. Fowler	Christopher A. Fowler	

Once an individual has taken the exam and met all the requirements for licensure, they will appear before the Board for an interview and final approval for licensure.

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

Phone: 479-442-7076

Pearson VUE:	Birmingham	Decatur	Dothan	Mobile	Montgomery
	205-982-2063	256-552-0667	334-671-7007	251-343-2601	334-271-8995

Board Meeting

The Board will hold its first regular meeting of fiscal year 2015 on **October 2, 2014 at 9:00 a.m.** in Room 106 of the Alabama State House. Matters or subjects not on the agenda are not guaranteed for discussion at the meeting.

REMINDER

License renewal applications for fiscal year 2015 were mailed and emailed in July to the last known address of the licensee. The deadline to renew without penalty is September 30, 2014. 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

ONLINE RENEWAL is available for individual licensees and establishments by going to the Homepage of the Alabama Board of Funeral Service website and click on the “ONLINE RENEWAL” button. If customer support is needed in setting up a password/username, please contact Customer Support at 866.353.3468 or support@alabamainteractive.org. 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. **The 4% fee is paid directly to Alabama Interactive (The company that handles all e-transactions for the State of Alabama). The 4% administration fee ONLY applies to online renewals.**

“Show me the manner in which a nation cares for its dead and I will measure with mathematical exactness the tender mercies of its people, their respect for the laws of the land and their loyalty to high ideals.”

- Sir William Gladstone

Board Appointments

On **October 2, 2014**, at **9:00 a.m.**, in Room 106 of the Alabama State House, 11 South Union Street, Montgomery, AL 36104, the Board will take its annual nominations for the Board districts that term expires December 31, 2014. Those districts are: One, Two, and Five. To check your exact district, you may go to www.house.gov and type in your zip code under “Find Your Representative”. To be eligible to serve on the Board:

- 1) A person must either be a licensed funeral director and embalmer who has been licensed as an embalmer for at least ten consecutive years or a funeral director.
- 2) Who is currently a funeral home operator who has been actively practicing funeral directing for at least ten consecutive years.

Those in attendance must select three nominees

from each district and those nominees will be submitted to the governor for appointment. You do not have to be present to be nominated, but you must be present to place a nomination. Also, only one funeral director from each establishment may vote. Should a company own multiple establishments, they may have one funeral director for each establishment to cast a vote. If anyone has questions about the nomination process or districts, please contact the Board office.



Congratulations!



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

Funeral Director:

Ellery Jarvis Johnson
Marilyn Turner Tuck
Wesley Adam Downs
James Edward Davis
Lisa Whisman McBrayer
Tyler William Harris
Martha Janice Roberts
Douglas Tyler Brown

Funeral Director & Embalmer:

Dennis Lee Sparks
Joseph Gregory Mask

Kortez DeWayne Boyd
Shelia Brown Posey
Tracie Ann Altman
Charles Edward Wightman IV
Constance Janice Price
Amber Nicole Pinkard

Embalmer:

James Frederick Harris
Terrill Venoi Bush

Establishment:

Valley Funeral Home – Scottsboro
Keahey Funeral Home – Lockhart
Hammond-Sconiers Funeral Home – Enterprise

Violations

Case No.	Charge	Penalty
ABFS14-029	Aiding and abetting unlicensed embalming § 34-13-56(h)	Fined \$500.00 and 1 year probation
ABFS14-031	Failure to provide reasonable access to the establishment. Failure to be in full control, charge and supervision of the establishment. § 34-13-56(a)(2)(s)(iv) and § 34-13-112	Fined \$3,000.00 and 1 year probation
ABFS14-032	Failure to provide reasonable access to the establishment. § 34-13-56(a)(2)(s)(iv).	Fined \$1,000.00 and 1 year probation
ABFS14-033	Failure to provide reasonable access to the establishment. § 34-13-56(a)(2)(s)(iv)	Fined \$500.00 and 1 year probation
ABFS14-035	Operating a funeral establishment without being duly licensed by the Board for six (6) days with each day counting as a separate violations, in violation of Alabama Code § 34-13-111(a) and Administrative Code 395-X-4-.01.	Fined \$3,000.00

Administrative Hearings

Administrative Hearing:	ABFS14-034 Catrina Kennedy & Eastside Funeral Home (Birmingham)	
Charges	Violation	Penalty
Aiding and abetting unlicensed practice	§ 34-13-56(a)(2)(h)	Fined \$1,500.00 and probation for 1 year.
Allowed an unlicensed person to practice funeral directing.	§ 34-13-70(a)	Fined \$1,500.00 and probation for 1 year

Independent Contractors

The Board has independent contractors in place to at any given time conduct inspections of the office, premises, establishment, or place of business of any funeral service licensee in the State of Alabama or any office, premises, establishment, or place where the practice of funeral service is carried on, or where the practice is advertised as being carried on. These individuals will also aid the Board in investigating complaints received by the Board.

STATUTORY RULES AND REGULATIONS

House Bill 101 passed the Alabama Senate, the Alabama House of Representative and was signed by Governor Bentley in March 2014. House Bill 101 became law in June 2014 and is now known as Act 2014-125. Act 2014-125 made the following amendments to the funeral service law:

1. Defined: Conviction, Gross Immorality, and Moral Turpitude.
2. Allows the Board to now send notices regarding statutory law and rules of the Board, renewal notices, newsletters, and all other communications in electronic format (email).
3. Requires each funeral establishment to have the casket price clearly noted on each full-size, cut casket, photograph, and electronic image of a casket.
4. Allows a board member to serve until his or her successor is appointed.
5. Authorizes the use of independent contractors by the Board.
6. Authorizes the board to delegate the responsibility of administering the licensure examination.
7. Provides further for instances where the board may refuse to grant, refuse to renew, suspend, or revoke the license of a licensee.
8. Allows the Board to interview an applicant for licensure.
9. Requires the change in ownership of a funeral establishment to be immediately reported to the Board and to specify a fee.
10. Allows for funeral homes under the same ownership to only maintain one embalming room, provided the requirements set by administrative rule are met.
11. Requires an apprentice to successfully pass the licensure exam for funeral director or embalmer within two years of completing an apprenticeship.

As a result of the statutory changes the administrative code was amended in July 2014 to agree with the statutory changes and to allow an inspector to issue a fine for minor inspection violations.

The Alabama Funeral Service Law may be viewed in its entirety by going to the Board's website at www.fsb.alabama.gov and clicking on "Laws". The amended version of the law has been attached to this email for your review and hard copy will be sent to each establishment with their 2015 Establishment License.

CONTINUING EDUCATION

Senate Bill 210 passed the Alabama Senate, the Alabama House of Representative and was signed by Governor Bentley in April 2014. Senate Bill 210 became law in July 2014 and is now known as ACT 2014-302. Act 2014-302 requires all licensed funeral directors and embalmers to complete Continuing Education prior to their license being renewed.

Funeral Directors/Embalmers are required to complete 8-hours bi-annually. Licensees who hold more than one license issued by the Board may use the same continuing education hours for renewal of both licenses without having to earn separate continuing education hours for each license renewal. **The first reporting period is October 1, 2014 - September 30, 2016 and bi-annually thereafter.** At the end of each bi-annual reporting period and during that renewal period, licensees may be selected through a random audit for compliance with the continuing education requirements.

All courses and providers must be Board approved.

Excess credit hours earned in one bi-annually reporting period will not be carried forward to the next reporting period.

Alabama requires a certificate of completion and licensees must retain certificates a minimum of 3 years for state auditing purposes.

Licensees who are 65 years of age or older and have held a license for 10 years prior to the end of the reporting period are exempt from CE requirements.

Organizations that seek to become CE providers or individuals that seek to become an instructor should visit the Alabama Board of Funeral Service website at www.fsb.alabama.gov and click on "Continuing Ed" to print the guidelines and applications or you may contact the Board office at 334-242-4049.

As a result of the statutory changes the administrative code was amended in July 2014 to agree with the statutory changes and to outline the procedures for complying with continuing educations.

Please check the following page for a list of approved continuing education providers, as of September 1, 2014. This list will be updated on the Board's website as new providers are added.

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

Approved Continuing Education Providers 2014-2015

Academy of Graduate Embalmers

P.O. Box 1248
Dallas, GA 30132
770.445.3180 Fax: 770.445.3893
www.ageg.org

Alabama Board of Funeral Service

P O Box 309522
Montgomery, AL 36130
334.242.4049 Fax: 334.353.7988
www.fsb.alabama.gov

Alabama Funeral Directors & Morticians Association, Inc.

P. O. Box 769
Gadsden Alabama 35902
www.alabamafdma.org

Batesville Casket Company

One Batesville Blvd
Batesville, IN 47006
812.934.7500 Fax: 812.934.1538
www.batesville.com

Funeral CE (a service of Web CE)

P O Box 850127
Richardson, TX 75085-0127
877.332.8480 Fax: 214.570.0213
www.funeralce.com

Gupton Jones College of Funeral Service

5141 Snapfinger Woods Drive
Decatur, GA 30035
800.848.5352 Fax: 770.593.1891
www.gupton-jones.edu

National Funeral Directors Association

13625 Bishop's Drive
Brookfield, WI 53005
800.228.6332 Fax: 262.789.6977
www.nfda.org

Pierce Mortuary Colleges

4722 Bronze Way
Dallas, Texas 75236
888.547.9600 Fax: 214.467.3940
www.pierce.edu

The Dodge Company, Inc.

9 Progress Road Billerica, MA 01821
800.443.6343 Fax: 800.443.4034
seminars@dodgeco.com

Academy of Professional Funeral Service Practice, Inc.

PO Box 1160
Buchanan, GA 30113
866.431.2377 Fax: 770.646.9490
www.apfsp.org

Alabama Funeral Directors Association

PMB 380, 7956 Vaughn Road
Montgomery, AL 36116
334.956.8000 Fax: 334.956.8001
www.alabamafda.org

Aurora Casket Company, Inc.

10944 Marsh Road
Aurora IN 47001
800.457.1111
www.auroracasket.com

CANA-Cremation Association of North America

499 Northgate Parkway
Wheeling, IL 60090-2646
312.245.1077 Fax: 312.321.4098
www.cremationassociation.org

FuneralReview.com LLC

www.funeralreview.com

Matthews Cremation

2045 Sprint Blvd
Apopka, Florida 32703
800.327.2831 Fax: 407.886.5990
www.matthewscremation.com

National Funeral Directors and Morticians Association

6290 Shannon Parkway
Union City, GA 30291
800.434.0958 Fax: 404.286.6573
www.nfdama.com

Thanos Institute

PO Box 1928
Buffalo, NY 14231-1928
800.742.8257
www.thanosinstitute.com

*** Licensees should 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. **Please Note:** Most courses that are APFSP approved do not need a separate Board approval.

New Inspection Rule

***** The requirements for an establishment has not change, but how the Board handles violation of the requirements has. Please review and understand that it is at the discretion of the inspector wheather or not to charge the fine for minor violations.*****

395-X-6-.09 Inspection Penalties “NEW RULE”

(a). Any violation under this section is a violation of minimum standards and a threat to the health, safety, and welfare of the public. A funeral establishment or mortuary service licensed by the board shall pay a fine to the board for each violation of this section. If the inspector or a representative of the board finds a violation during an inspection, he or she may immediately issue a citation listing each violation. After a citation has been issued, the licensee shall either pay the amount of the fine to the board or submit a written request for an administrative hearing before the board. A request for an administrative hearing before the board shall be received by the board not later than 30 calendar days after the day the citation is issued. Failure to either pay the fine or timely request an administrative hearing before the board shall cause additional disciplinary action to be taken against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

Minimum Standards	Fine for Violating
1. Licenses	
a. A license issued under this chapter shall be current and on public display in an area not restricted from the public travel.	\$200.00
b. Each license issued under this chapter shall be displayed in the place of business or employment of the licensee.	\$100.00
2. Selection Room	
a. Each funeral establishment shall have a clean and neatly arranged selection or display room containing a stock of adult caskets and funeral supplies displayed in full size, cuts, photographs, or electronic images of caskets for persons to view available funeral merchandise or supplies.	\$200.00
b. At no time shall less than eight different adult full-size caskets be on the premises of the funeral establishment.	\$300.00 per casket below the minimum
c. Each funeral establishment shall have a card or brochure in each full-size and cut casket and on each photograph and electronic image of a casket stating the unit price of that casket.	\$100.00 per casket without a card or brochure
3. Rest Room	
a. Each funeral establishment shall have at least one public rest room. Each rest room shall have a nonporous floor, clean walls, and shall be equipped with hot and cold running water, roll or disposable towels or an electronic hand dryer, and necessary lighting for adequate visibility.	\$100.00
b. No public rest room shall be used as a storage area for mops, brooms, or any other such items.	\$100.00

4. Preparation Room / Branch Location	
i. One approved embalming table	\$200.00
ii. Correctly operating embalming equipment	\$200.00
iii. A selection of all professional equipment necessary for embalming.	\$200.00
iv. Nonporous floors and walls.	\$200.00
v. Hot and cold running water.	\$100.00
vi. A working ventilation fan.	\$200.00
vii. A suitable container for waste disposal.	\$100.00
viii. A suitable container for soiled linen or clothing	\$100.00
ix. Proper drainage.	\$200.00
x. Embalming room and its contents are kept clean of blood when not in use.	\$200.00
xi. At no time shall the preparation room be used as a storage area.	\$100.00
xii. Aspirator, trocar, nasal tube aspirator, aspirating hoses.	\$200.00
5. Embalming Record	
a. Each funeral establishment in the state shall keep a current record of each human dead body embalmed at the establishment and shall retain such record for a period of not less than four years. The record may be in simple log form and shall contain the name of the deceased, the date of embalming, the time the embalming procedure began and ended, and the signature of the embalmer.	\$200.00
6. Identification of Dead Human Bodies	
a. Each funeral establishment shall comply with Section 22-19-5 by affixing a permanent ankle bracelet to each dead human body in the possession or custody of the funeral establishment.	\$100.00 per body not identified
7. General Interior	
a. There are no rotten or deteriorated floor boards or flooring which is subject to public travel.	\$100.00
b. All outside openings are screened, covered, or otherwise sealed to prevent the entrance of insects or rodents.	\$100.00
c. Any openings between the preparation room and public areas are sealed to prevent fumes from escaping into those public areas.	\$100.00

d. All public areas are well maintained with a clean and attractive appearance including the repair and proper maintenance of all walls, ceilings, and floors and the absence of holes, scaling paint, or any other deterioration.	\$200.00
8. General Exterior	
a. The premises are free of litter and debris.	\$200.00
b. All areas subject to public travel are free of objects or other matter which could cause possible injury.	\$200.00
c. All roofing or overhead coverings are well maintained to prevent any leaks to the interior of the funeral establishment.	\$200.00
9. Hearse or Funeral Coach	
a. One operating and properly licensed funeral coach or hearse, equipped for transporting human remains in a casket or urn, on the premises.	\$300.00
b. Mortuary Service must have at least one operating and properly licensed motor vehicle, equipped for transporting human remains in a casket or urn.	\$300.00
10. Access	
a. Each funeral establishment shall allow reasonable access to the board, or an authorized agent or representative of the board, for inspecting the facilities of the funeral establishment.	\$400.00

(b). If the board finds a licensee guilty of any violation of Chapter 13, Title 34, Code of Alabama 1975 or Chapter 395 of the administrative code, including but not limited to, any violation of subsection (a) and the infractions therein, the board may refuse to grant, refuse to renew, or suspend or revoke a license, after proper hearing and notice to the licensee, upon the licensee being found guilty of any violation of this chapter. The board may levy and collect administrative fines for any violation of this chapter, or the rules or regulations of the board, in an amount not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for each violation of this chapter for which the licensee has been found guilty. Repeat violators will be subject to further disciplinary action by the Board in accordance with the Code of Alabama, 1975, Title 34 Chapter 13.

BOARD OF DIRECTORS

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We're on the Web!

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www.fsb.alabama.gov

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