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Notice of Intended Action and Public Hearing

Act No. 2011-623 (Senate Bill 94) became effective October 1, 2011 causing 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 Senate Bill 94 and the current administrative laws, voted on and filed with the Legislative Reference Service Administrative Procedure Division the following proposed intended actions:

1. Amend Rule No. 395-X-1-.01 Organization and Rule No. 395-X-1-.02 Nomination and Appointment in the following manner: The Board proposes to correct certain language in the rules from gender specific to gender neutral terms. The Board also proposes to correct the board members term of service on the board and the racial make of nominees for board terms that expire each year in order to agree with the new statutory laws.
2. Amend Rule No. 395-X-2-.01, Rule No. 395-X-2-.03, and Rule No. 395-X-2-.05. The Alabama Board of Funeral Service also proposes to **repeal** Rule No. 395-X-2-.04 and **add new rule** as Rule No. 395-X-2-.04 titled "Display of Licenses" in the following manner: the Board proposes to correct language concerning the passing score for any Board examination from 70% to 75% correct answers as a result of the new statutory requirement. The Board proposes to change the title of 395-X-2-.03 to "Fees" and increase the current fees being charged by the board to the following: Embalmer and Funeral Director Application - \$100, Licensee Renewal - \$100, Establishment Renewal - \$250, New Establishment - \$400, New Establishment Inspection - \$150, New Establishment Re-Inspection - \$150, Annual Inspection - \$75, Annual Re-Inspection - \$75, Late Penalty for Past Due Inspection Fees - \$150, Special Operating Permit - \$50, Late Renewal Fee - \$50, Reciprocity Licenses - \$250, Reciprocity Special Work Permit - \$25. The Board proposes to repeal 395-X-2-.04 Original Application Fees and add a new rule titled "Display of Licenses" which would require all licenses issued by the Board to be displayed in an area of a funeral establishment that is not restricted from public travel. The Board also proposes to increase the minimum passing score on the state law examination to 75%.
3. Amend Rule No. 395-X-4-.01, Rule No. 395-X-4-.02, and Rule No. 395-X-4-.03 in the following manner: the Board proposes to increase inspection fees, add a late penalty fee for inspection fees that are not paid to the Board within the 45 day time period allotted, and add specific direction on the how the Board office will handle complaints.
4. Amend Rule No. 395-X-6-.01, Rule No. 395-X-6-.02, and add a New Rule No. 395-X-6-.08 in the following manner: the Board proposes to correct the language regarding preparation rooms, give specific requirements for the display or selection room as it relate to the new statutory requirements, and state the requirements for mortuary service establishment.
5. The Alabama Board of Funeral Service proposes to repeal Chapter 395-X-7 concerning eye enucleating technicians.

Written, verbal or electronic mail comments regarding the proposed amendments will be accepted by the Board until January 4, 2012. A public hearing regarding those comments will be held during the Board's January 25, 2011 meeting at 11:00 a.m., in Room P-103 of the Gordon Person Building, 50 N. Ripley 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.