

QUARTERLY NEWSLETTER

BOARD MEMBERS & STAFF:

| | |
|------------|------------------|
| District 1 | Thomas Maye |
| District 2 | Noah Turner |
| District 3 | |
| District 4 | |
| District 5 | Michael Morrison |
| District 6 | |
| District 7 | |

Warren S. Higgins
Executive Secretary
warren.higgins@fsb.alabama.gov

Charles M. Perine
Associate Executive Secretary
charles.perine@fsb.alabama.gov

Sherrye Dawson
Administrative Assistant
sherrye.dawson@fsb.alabama.gov

11 South Union St.
Suite 204
Montgomery, AL 36130

Phone: (334) 242-4049
Fax: (334) 353-7988

Website:
www.fsb.alabama.gov

Email: info@fsb.alabama.gov

Mailing Address:
P.O. Box 309522
Montgomery, AL 36130-9522

Quarterly Examination

The Alabama Board of Funeral Service will administer its quarterly state law examinations on **Wednesday, January 25, 2012, at 10:00 a.m.**, in Room P-103 of the Gordon Person Building, 50 N. Ripley St., Montgomery, Alabama. Those who applied by the deadline and will be admitted to the exam are the following:

Frank J. Poston, Jr., Kimberly A. Dowdy, Linda D. Hicks, Janice H. Kent, Tessler L. Williams, Roger T. Malone, Ernest Corbitt, Ollye M. Ward, Adrienne D. M^cNeal, James F. Harris, Latorria J. Williams, Joseph D. Findley, Marvin L. Pittman, Alexandrina M. Hayes, Ronald D. Mitchell, Michael A. Cloud, Jr., William Grayson, Jerald S. Mitchell, Sean W. O'Neill, Michael K. Davis, David Lee DeBord, Cheridie E. Kilpatrick, Faye L. M^cCorkle-Mills, Terri L. Sorrells, Valerie J. Smalls, Darius D. Barlow, Derrick L. Otts, Cedric L. Clifton, Stephanie A. Wyatt, Valregenia Fowler, Tyrone Crittenden, Joseph R. Fletcher, Sr., Darnell Gardner, Lashari A. Scott, Veronica J. Croone, Shane R. Carlisle, Rodney T. Massey, Justin R. Harvest, Maurice M. Sconiers, Carlos D. Dixon, Doris J.W. Brown, Matt A. Mauldin, Julie A. Curts, Howard L. Bozeman, Beverly B. Baker, Rochelle L. M^cRand, Deacquernita Davidson-Melton, Dagmar G. Kyburz, Jeremy E. Bass

The Conference

As stated in previous notices, the funeral director and embalmer exams will be given by The Conference through Pearson VUE testing centers at five locations statewide. All applications may be obtained from our office but exam fees and applications will be submitted to The Conference, while the license fees, applications, and affidavits will be submitted to the Board office. Each applicant still must pass the state law exams given by the Board quarterly in Montgomery before being approved for licensing.

The Conference: www.theconferenceonline.org
Pearson VUE:
Birmingham: 205-982-2063
Decatur: 256-552-0667
Dothan: 334-671-7007
Mobile: 251-343-2601
Montgomery: 334-271-8995

Phone: 479-442-7076



The Board

The Board will hold its second regular meeting of fiscal year 2012 at 11a.m. in Room P-103 of the Gordon Person Building. Anyone who would like to appear before the Board or have matters discussed should notify the Board office by January 18, 2012, in order to be placed on the agenda. Matters or subjects not on agenda are not guaranteed for discussion at the meeting.

Past Due!

2011 Inspection fees are now past due. Please remit payment at once. Establishments that have failed to submit past due inspection fees may be subject to further disciplinary action by the Board.

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 proposed intended actions to repeal, amend or add new rules to the Funeral Service Administrative Laws. A synopsis of the intended action and Notice of Public Hearing were mailed to the last address on file of each licensee. Each licensee had until January 4, 2012 to submit any comments regarding the proposed amendments. A public hearing regarding comments submitted to the Board by January 4, 2012, 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.



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

Funeral Director:

Cody W. Nugent
Marion P. Sterling
Regena A. Glasgow
Washalyn A. Steele

Funeral Director & Embalmer:

Brittany D. Boozer
Van Stephen Moore
William D. Simmons
Jessica Martin
Katherine Hanner
Ronnie L. Jones
Robert H. Ward, II

Establishment:

Aaron Bessemer Birmingham Mortuary
Bessemer, AL

Banks Memorial Funeral Home & Cremation SVC
Monroeville, AL

Bass-Fuller Funeral Home
Rockford, AL

Grace Memorial Chapel
Woodstock, AL

Gulf Coast Cremation & Funeral Service
Mobile, AL

Law Mortuary
Dixons Mills, AL

Smith's Mortuary
Mobile, AL

Smith's Mortuary
Boligee, AL

Lee Funeral Home
Montgomery, AL

*Wishing you Good Luck in your
Future!*

Federal Trade Commission Funeral Rule**Prior Approval for Embalming**

You can charge a fee for embalming, only in one of the following three circumstances:

1. State or local law requires embalming under the particular circumstances regardless of any wishes the family might have. If this is the case, you must note on the itemized Statement of Funeral Goods and Services Selected that embalming was performed because of a legal requirement and briefly explain that requirement. **Note:** Federal law does not require embalming under any circumstances. (Alabama does not require embalming)
2. You have obtained prior approval for embalming from a family member or other authorized person. (The Rule does not address the issue of who is an "authorized person" to give such approval. That is a matter of state or local law.) **You must get express permission to embalm; it cannot be implied.**

Example: A family states that they want a viewing before burial and asks you to "prepare" the deceased. You must specifically ask the family for permission to embalm and must receive their permission before you embalm the body.

In order to obtain the family's express consent to embalm, you must: 1) specifically ask for and obtain their permission, and 2) not misrepresent when embalming is required.

Example: While making funeral arrangements, you tell a family that they will be charged for embalming, no matter what type of funeral arrangements they choose. If they agree to the funeral arrangements in general, this does not constitute express consent to embalm. In addition, if you charge a family for embalming here, you would be charging a second non-declinable fee that violates the Rule.

Note: When an individual makes pre-need arrangements and gives express approval for embalming at that time, you do not need to get any additional approval to embalm at the time of death.

The Rule does not require you to get the permission in writing, as long as it is express approval. Some states, however, may require written authorization.

On the Statement of Funeral Goods and Services Selected, you must explain the reason that you charged a fee for embalming. The reason may be that the family requested this service. However, if you tell a consumer that embalming is required for a specific reason (e.g., viewing or legal requirement), then you should list this specific reason on the Statement. Simply noting "family consent" for embalming does not convey the reason for embalming, only that the family has consented.

3. All of the following apply:

- You are unable to contact a family member or other authorized person after **exercising due diligence**. In trying to contact the family, you must exhaust all means known, given the time constraints.
Note: If refrigeration is available, you may be required to take more steps to contact the family and to obtain embalming authorization than if no refrigeration is available.
- You have no reason to believe that the family does not want embalming performed.
- After embalming the body, you obtain subsequent approval. In seeking approval, you must tell the family that if they select a funeral where embalming would be required (such as a funeral with formal viewing), you will charge a fee, but that you will not charge a fee if they select a funeral where embalming would not be necessary (such as a direct cremation with a memorial service). If the family then expressly approves embalming or chooses a funeral where embalming is required, you may charge them for the embalming you performed. But, if the family chooses a funeral where no embalming would be required, you cannot charge for the embalming. Note: The required disclosure regarding embalming on the itemized Statement will let consumers know that they do not have to pay for embalming if you did not get their prior approval.

****The above information was taken from the FTC website at <http://business.ftc.gov/documents/bus05-complying-funeral-rule#embalm>.*

***** PLEASE MAKE NOTICE AVAILABLE TO ALL EMPLOYEES.

***** PLEASE MAKE NOTICE AVAILABLE TO ALL EMPLOYEES.

Alabama Board of Funeral Service
P.O. Box 309522
Montgomery, AL 36130-9522

***** PLEASE MAKE NOTICE AVAILABLE TO ALL EMPLOYEES.