

September 6, 2024



The Alabama Board of Funeral Services

Quarterly Newsletter

What's inside this issue:

Meeting Notice
Contact News
Renewals
Establishment Information
Portal Access
Authorized Representatives
General Liability Insurance
Continuing Education
Preneed
Exams
Notices of Intended Action
Consent Agreements
New Licensees
Meeting stats
Attached Notices



Meeting Notice

The first regular meeting of the Funeral Division for fiscal year 2025 will be held on October 8, 2024, at 9:00 a.m. 4276 Lomac Street, Montgomery, AL 36104. The Funeral Division and the Preneed Division will hold a joint meeting following the Funeral Division meeting. The first regular meeting of the Preneed Division for fiscal year 2025 will follow the joint meeting. Matters or subjects not on the agenda are not guaranteed for discussion at the meeting. Please make this notice available to all employees.

Contact News

Mail correspondence to:
PO Box 309522
Montgomery, AL 36130
or
4276 Lomac Street
Montgomery, AL 36106

Please note the Board uses email as its primary way of contacting all licensees. Please take the time and confirm your email of record is correct as this will affect delivery of current information from the Board. This can be done by visiting online services on the Board's website under licensees. If you have not accessed online services in the past you will have to create a login by putting in your email address of record with the Board and select RESET PASSWORD. If you are unable to login, please contact the Board for assistance. To access online services all licensees must have a personal email address that is not a funeral home address. Funeral home emails used by multiple licensees will not be allowed access.

Renewals

The board is currently processing renewals for the 2024-2026 licensing period for funeral directors, embalmers, cremationists, and funeral establishments, as well as the 2024-2025 licensing period for apprentice funeral directors, apprentice embalmers, certificates of authority, branch (preneed), and preneed sales agents.

We have encountered several issues with individuals not properly accessing the new system, failing to verify their email addresses before the renewal period, and not establishing "Authorized Representatives" for funeral establishments. Additionally, there are some technical issues within the new system, as it is a recently implemented platform with new data.

To accommodate these challenges, the board is extending the renewal period without a late penalty. Licensees may renew without penalty until September 15, 2024. From September 16, 2024, until October 1, 2024, renewals will be accepted with a late penalty of \$100 per license. Any licensees who have not renewed by 4:30 p.m. on October 1, 2024, must cease and desist from practice.

Paper renewals are permitted and must be completed using the current renewal form available on the board's website.



Important Information for Establishments:

Insurance Documentation:

If you submitted a paper renewal without the Certificate of Liability Insurance, your renewal will not be processed until this certificate (\$1,000,000 coverage) is received. If the certificate is received after September 15, 2024, please include the \$100 per license late penalty. If not received by October 1, 2024, you must cease all operations as a funeral establishment.

Inspections:

1. The Board is currently conducting annual inspections. The Certificate of Liability Insurance must be shown to the inspector at the time of inspection for each establishment. Please note that the Certificate of Liability Insurance does not need to be publicly displayed.
2. To obtain a copy of your inspection report and invoice, the "Authorized Representative" must log into the "Business Licensing" portal and click on "Inspections."
3. The annual inspection fee is \$100 and is due 45 days from the inspection date. If the inspection fee is not paid within 45 days, a late penalty of \$150 will be applied.



Portal Access/Authorized Representative

Steps to Access the Licensee Portal and Business Licensing Portal:

1. Visit the board's website: www.fsb.alabama.gov.
2. Click "Licensees."
3. Select "Online Services."
4. Enter your email address.
5. Click "Reset Password."
6. Follow the prompts to establish a new password.

Each business must have its own email address for receiving correspondence from the board. However, every establishment must designate an "Authorized Representative" to manage business transactions in the online portal on behalf of the establishment.

Instructions for the "Authorized Representative":

1. Visit the board's website: www.fsb.alabama.gov.
2. Click "Licensees."
3. Select "Online Services."
4. Click "Business Licensing."
5. Sign in using the same email and password established for their personal "Licensing Portal" login.

Please note that an unlicensed person may be designated as an "Authorized Rep," but they must have their own email address and a profile established in the system. To establish a profile for an unlicensed individual, please email charles.perine@fsb.alabama.gov with the individual's name, email address, and the establishment they will represent.



General Liability Insurance

To renew an establishment license proof of general liability coverage in an amount of at least one million dollars (\$1,000,000.00) must be submitted. An establishment that does not provide this proof will not be allowed to renew and late fees will apply if received after September 1, 2024. Section 34-13-113 (e) Commencing on October 1, 2023, each application for license to operate a funeral establishment or to operate a mortuary service shall include proof of general liability insurance in an amount of at least one million dollars (\$1,000,000.00). Beginning October 1, 2023, proof of the establishment's general liability insurance must be made available to the inspector for review during the establishment's annual inspection and when renewing the establishment license.

Insurance coverage must be continuous beginning October 1, 2023, and proof of coverage (certificate of liability insurance) will be inspected during the annual inspection and must be submitted with renewals



Continuing Education

The 2024-2026 reporting period will begin October 2, 2024, and will end October 1, 2026. Check your profile for your completions. Providers must report completions to the Board. The Board will not accept completions from a licensee. Keep those certificates for your records. A Licensee must complete 8 hours of Board approved continuing education per person. Within the 8 hours a licensee must complete a course in ethics and a course in Blood borne pathogens. If you are a cremationist complete any course in cremation to satisfy your recertification requirement.

Preneed Division

Reminders

- The Board must be notified by the COA Holder within 30 days of a cancellation of a Preneed Sales Agent Registration. The form to submit the cancellation can be found under Preneed Forms on our website.
- Quarterly and semi-annual reports are no longer required to be submitted to the Board. Each COA is now on annual reporting. The reporting period of January 1st through December 31st will now be due on February 14th of each year. For example, the annual report of preneed activity for the period of January 01, 2024 – December 31, 2024, will be due February 14, 2025.
- IF YOU HAVE NOT RENEWED YOUR CERTIFICATE OF AUTHORITY LICENSE OR YOUR PRENEED SALES AGENT LICENSE BY OCTOBER 01, 2024, THE LICENSE HAS BEEN MADE INACTIVE AND YOU MUST CEASE AND DESIST OF ALL PRENEED ACTIVITY UNTIL YOUR LICENSE IS MADE CURRENT AND ACTIVE.

Administrative Code Update

On May 13th, Administrative Code 395 was amended to include the preneed rules and regulations. A complete copy of those rule changes can be found on our website. Please review so that your COA may continue to comply with state law. Some significant changes are below:

- You may now qualify for a financial statement waiver by providing proof that your COA trusts 100% of preneed money or 100% of preneed money is insured by an insurance company. The due date to submit the financial statement waiver was April 1st.
- The minimum requirements for a company's equity have changed. Any company that has \$100,001 or more in preneed liability must have at least 10% of that liability in equity.
- The board will be implementing mini examinations once a year to all COA holders. Please review the citations that are considered minor violations, because upon finding any during the mini examination, those violations could result in a full-scale examination of the COA.

Website

Please keep a close watch for updates coming to the website very soon. This will include relevant information as it pertains to your licenses as well as updates to the forms available through our website.

Miniature Examinations

Beginning October 01, 2024, the Alabama Board of Funeral Services will be making a visit to your establishment to conduct a routine miniature examination. These examinations are aimed at ensuring compliance with the Alabama Preneed Funeral and Cemetery Act of 2023's standards and regulations. If the Miniature Examination reveals any deficiencies or non-compliance, the examiner may proceed to schedule a Full Examination accordingly. To effectively conduct the Miniature Examination, the following records and documentation should be made available to the examiner upon arrival:

- General Pricelist(s) for examination period (including Casket Price List and Outer Burial Container Price List)
- Preneed Sales Log(s) (Funeral and/or Cemetery)
- Current license/registration information for establishments and sales agents
- Copies of all annual reports issued by funding vehicles during examination period (insurance and/or trust)
- Access to all preneed contracts/files for contracts written since May 01, 2002
- Records for all preneed funds received and deposited during the examination period (i.e., receipt books, deposit slips, transmittals, etc.)
- A copy of all Trust Agreements
- Proof of Approved Preneed Contracts
- A list of contracts that have been fulfilled, transferred, canceled, or lapsed during the examination period
 - Proof of amount received from funding vehicle (i.e., copy of check, letter, etc.)
 - If excess funds, proof of payment to beneficiary

EXAMINATIONS

The Alabama Board of Funeral Service certified the following individuals as having met the qualifications to take an examination for licensure:

KIARA HAIGLER
TROY HENSON
LISA KISER
BLAKE MONTGOMERY
JONATHAN D GASSETT
RAVEN S. JONES
TIA BLAKE
JESUS E HERNANDEZ
KIRSTEN N PERRY

JASON BARROW
RAVEN JONES
BRITTNY MCLEOD
DAVIS L BROWN
MIGUEL A HOLT
BRITTANY W STEELE
MARILYN B HANNAH
HAISTEN L MURPHREE
DEAN SCOTT

Notices of Intended Action

Please see the notices of Intended Action attached to this newsletter regarding

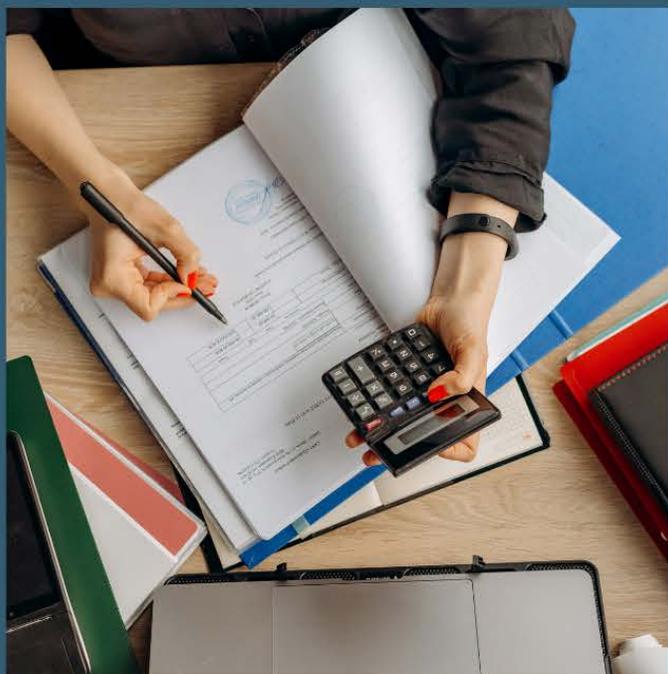
- Change of Ownership
- Closure of Funeral Establishment

The response period for public comments will close October 4, 2024

Consent Agreements

April 2024-July 2024

<u>No. of Cases</u>	<u>Charge</u>	<u>Penalty</u>
17	Respondent failed to timely provide reports and record to the Board pursuant to the Board's request, in violation of ALA. CODE § 34-13-191(a), -192, -198, and ALA. ADMIN. CODE r. 395-X-9-.13(1).	Certificate of Authority- Fined \$2500.00



Exams

THE CONFERENCE

The National Funeral Director and Embalmer's exams are given by The Conference through Pearson VUE testing centers at five locations statewide. Please see The Conference's website for registration and exam information. The Conference: www.theconferenceonline.org Phone: 479-442-7076

THE ALABAMA FUNERAL DIRECTOR AND ALABAMA EMBALMER EXAM

The Board now administers the Alabama Funeral Director and Alabama Embalmer Exams in addition to the Laws and Rules exam. The Alabama Funeral Director and Alabama Embalmer exams offer an added option to become licensed in the State of Alabama. A qualified applicant may still take the NBE (National Board Exam) depending on eligibility, bachelor's degree

(FD only). The exam's intended purpose is for an applicant to become licensed in the State of Alabama for the practice area referenced in the title of the exam, in accordance with Alabama Code §34-13-73(a) and (b) for funeral director licensure applicants and §34-13-94(a) for embalmer licensure applicants, and Alabama Administrative Code Chapter 395-X-2. Individuals interested in registering for an exam administered by the Board can review the "examination tab" located on the Board's website by clicking "applicants" then "examinations".

STATE LAW EXAM

For information about the State Law please see the "examination tab" located on the Board website by clicking "applicants". See the website for exam deadlines, testing dates and times.

See the examination
tab on the Board's
website at
www.fsb.alabama.gov
for more information



New Licensees

Congratulations to the new licensees approved during the Board's July 9, 2024, meeting.

FUNERAL DIRECTOR:

JACOB SANDERSON
GELEASE KENNEDY
LADARIUS WOODS
ARIANNA LEAL

CREMATIONIST:

CATRINA KENNEDY
RANDALL HUMPHREY
BYRON COUCH
TANNER FAULKNER
CHARLES KENNEDY
JACOB SANDERSON
THURSTON HUBBARD

EMBALMER

EBONY RODGERS
AARON ARMOUR
CHARLES BOX

FUNERAL DIRECTOR AND EMBALMER:

SAVANNA MARINO
KENNEDI BYRD
LEONARD WILLIAMS
LISA KISER

ESTABLISHMENTS: (c/o- change of ownership)

PARKWAY MEMORIAL(TRINITY)(BUY OUT)
SM GOODSON FUNERAL HOMES &
CREMATORY-ANNISTON BRANCH(ANNISTON)
(BUY OUT)
FOWLER FAMILY FUNERAL HOME(DOTHAN)
(NEW)
SPRY MEMORIAL CHAPEL(RUSSELLVILLE)(BUY
OUT)
PINKARD FH LLC(RUSSELLVILLE)(BUY OUT)
PINKARD FH LLC(HALEYVILLE)(BUY OUT)

REACTIVATIONS:

TOTAL APPRENTICE REACTIVATIONS: 2
TOTAL FD/EM REACTIVATIONS: 0





Active License Count (as of July 1, 2024)

Establishments	474	SWP-Funeral Director	0
Mortuary Services	4	SWP-Embalmer	0
Funeral Director	1583	SWP-Cremationist	0
Embalmer	883	Apprentice Funeral Director	320
Practical Embalmer	39	Apprentice Embalmer	197
Cremationist	357	CE Providers	39
		Inspections YTD	30

Preneed License Count (as of July 1, 2024)

Certificate of Authority	240	Cemeteries	184
Branches	115	Audits YTD	1
Preneed Sales Agents	987	Reports Filed	184

EXAM Statistics January 2024 - April 2024



Funeral Director

Number Given: 13
Pass: 5 - 38.00%
Fail: 8 - 62.00%



Embalmer

Number Given: 0
Pass: 0 - 0%
Fail: 0 - 0%



COMPLAINTS - FYTD

FUNERAL DIVISION

Received: 38
Resolved: 13
Consent: 2
Pending: 17

PRENEED DIVISION

Received: 14
Resolved: 0
Consent: 0
Pending: 14

CEMETERY

Received: 29
Resolved: 0
Consent: 0
Pending: 29



Cremationist LRR

Number Given: 6
Pass: 6 - 100%
Fail: 0 - 0%



FD/EM Law Exam

Number Given: 13
Pass: 9 - 69%
Fail: 4 - 31%

Thank you for reading!

For more information visit
www.fsb.alabama.gov

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 395
Department or Agency: Alabama Board of Funeral Service
Rule No.: 395-X-4-.07
Rule Title: Closure of Funeral Establishment
Intended Action: New

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? No

To what degree?: N/A

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

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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 41-22-23, 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 Services Agency.

Signature of certifying officer

Charles M. Perine
Charles Perine

Date

Wednesday, August 21, 2024

REC'D & FILED
AUG 21, 2024
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF FUNERAL SERVICE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-4-.07 Closure of Funeral Establishment

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board seek to establish a Closing Procedure when a funeral establishment elects to voluntarily close the operations of a licensed funeral establishment. Also, the state statute requires that every establishment shall be operated under the full charge, control, and supervision of a managing funeral director and managing embalmer, therefore this proposed rule will establish the procedure when a managing funeral director or managing embalmer abruptly removes their license from an funeral establishment. This rule amendment protects the public's health, safety, and welfare by ensuring all dead human remains including cremated remains are properly handled, and all required paperwork is completed before a funeral establishment closes and to ensure that a licensed funeral director and/or embalmer is available to assist a family experiencing a lost.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written, verbal or electronic mail comments will be accepted by the Board until:
Time: 4:30 p.m., Friday, October 4, 2024
Place: 4276 Lomac Street, Montgomery, AL 36106
Email: Charles.perine@fsb.alabama.gov
Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, October 4, 2024

CONTACT PERSON AT AGENCY:

Charles M. Perine

Charles M. Perine

Charles Perine

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Closure of Funeral Establishment.

1. A licensed funeral establishment may voluntarily close for operation by meeting the following requirements.
 - a. The establishment must declare its intent to cease operation on a form prescribed by the Board.
 - b. The establishment shall work with the Board to establish an effective date of closure.
 - c. Prior to the effective date of closure, the establishment shall:
 - i. file all death certificates with the Department of Health;
 - ii. complete all arrangements for remains in the establishment's custody and care, including disposal of all cremated remains, in accordance with Chapter 13 of Title 34 of the Code of Alabama of 1975;
 - iii. ensure that no remains are present or in the custody and care of the establishment;
 - iv. account for and transfer (if necessary) all preneed contracts;
 - v. take any other action necessary to protect consumers as determined and directed by the Board.
 - d. The establishment shall surrender the establishment license issued by the Board.
 - e. Upon approval of the closure by the Board, the establishment shall cease and desist from all operation related to any activity regulated by Title 34, Chapter 13 and by rule of the Board.
2. Because statute requires that every establishment shall be operated under the full charge, control, and supervision of a managing funeral director and managing embalmer, if either the managing funeral director and/or the managing embalmer of record for the establishment removes their license from the establishment or the position otherwise becomes vacant, the Board may designate the establishment as closed subject to the following procedures:
 - a. Within 72 hours of a vacancy in either or both of the establishment's licensed managing positions, the

establishment must provide the Board with completed managing affirmation letter(s) (in a form prescribed by the Board) naming a replacement for each vacancy.

- b. The establishment may temporarily continue operation during the 72-hour period only under the direction of a licensed funeral director and licensed embalmer who the establishment shall appoint as the "temporary managing funeral director" or "temporary managing embalmer," as appropriate.
 - i. The establishment may not operate until it has certified to the Board (on a form to be prescribed by the Board) that a temporary licensed manager corresponding to the appropriate vacancy has been appointed.
 - ii. A temporary licensed manager shall be responsible for the operations of the establishment corresponding to his or her respective area of practice to the same extent as a permanent licensed manager, including potential supervisory liability for violations of Chapter 13 of Title 34 of the Code of Alabama of 1975.
 - iii. A temporary licensed manager may simultaneously hold a position as a permanent licensed manager at another funeral establishment; provided, nothing in this subsection alters the statutory prohibition that an individual cannot serve as a permanent licensed manager for more than one funeral establishment.
 - c. The establishment shall cease and desist from all operation as a funeral establishment if the managing affirmation letter(s) prescribed by the Board is not received within 72 hours of a vacancy in either or both of the establishment's licensed managing positions.
3. The Board may serve a Notice of Closure listing the establishment license number and the effective date of closure to any establishment subject to closure pursuant to the foregoing provisions. As of the effective date of closure, the establishment must cease and desist from all operation related to any activity regulated by Chapter 13 of Title 34 of the Code of Alabama of 1975 or by rule of the Board.
 4. Upon a closure approved by the Board pursuant to this rule, the Board shall change the designation of the establishment's license from "active" to "closed."

5. An establishment that has been designated as closed may reopen by:
 - a. complying with all action required in any Corrective Action Notice issued by the Board in conjunction with the establishment's closure; and
 - b. receiving written approval from the Board either rescinding the Notice of Closure or approving an application for a new establishment license in accordance with Title 34, Chapter 13 and rule of the Board, as appropriate.

6. An establishment aggrieved by any action taken pursuant to this rule may request a public hearing before the board to appeal the action of the board. The request for a public hearing shall be submitted to the Board in writing within 14 calendar days after the action to be challenged was taken. Upon request, the Board shall schedule a hearing and provide the establishment with at least 20 days' notice of the public hearing by United States certified mail.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, 34-13-23, 34-13-26, 34-13-110, 34-13-112

History: New Rule: Published _____; effective _____.

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 395
Department or Agency: Alabama Board of Funeral Service
Rule No.: 395-X-4-.08
Rule Title: Change of Ownership
Intended Action: New

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? No

To what degree?: N/A

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

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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 41-22-23, 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 Services Agency.

Signature of certifying officer Charles M. Perine
Charles Perine

Date Wednesday, August 21, 2024

ALABAMA BOARD OF FUNERAL SERVICE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-4-.08 Change of Ownership

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board seek to clarify when a change of ownership application must be submitted to the Board office for approval and to ensure that the correct owners on record in the Board's office.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written, verbal or electronic mail comments will be accepted by the Board until:
Time: 4:30 p.m., Friday, October 4, 2024
Place: 4276 Lomac Street, Montgomery, AL 36106
Email: Charles.perine@fsb.alabama.gov
Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, October 4, 2024

CONTACT PERSON AT AGENCY:

Charles M. Perine

Charles M. Perine

Charles Perine

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

395-X-4-.08 **Change of Ownership.**

1. A funeral establishment must immediately report to the Board:
 - a. Any transfer of a 10% or greater ownership interest;
 - b. Any series of transfers within a one-year period that accrue a 10% or greater ownership interest; or
 - c. Any transfer that results in an individual or entity controlling or losing control of a 50% or greater total ownership interest.
2. All changes of ownership are to be reported on a form prescribed by the Board.
3. An establishment that fails to submit a change of ownership form to the Board within 15 calendar days of any of the preceding shall incur a \$250 late fee.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, 34-13-26, 34-13-111

History: New Rule: Published _____; effective _____.