

NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE,
CHAPTER 250-1 *ORGANIZATION*,
RULE 250-1-.04 *RESTRICTIONS ON BOARD MEMBERS' ACTIVITIES*.
AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Funeral Service (hereinafter "Board") proposes amendments to the Georgia State Board of Funeral Service Rules, Chapter 250-1, *Organization*, Rule 250-1-.04 *Restrictions of Board Members' Activities*, (hereinafter "proposed rule amendments"). The proposed rule amendments include revisions to Rule 250-1-.04. The Board voted to post this notice of adoption and hearing at its board meeting on September 15, 2009.

The proposed rule amendments clarify "ownership" and "management interest" for the purposes of board member participation in deliberation and decisions on applications presented for Board consideration.

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Funeral Service's web page at <http://www.sos.ga.gov/plb/funeral/>. Copies may also be requested by contacting the Georgia State Board of Funeral Service office at 478-207-2440.

A public hearing will be held at 9:30 a.m. on December 8, 2009 at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information for the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 p.m.) on December 1, 2009. Written comments should be addressed to Randall D. Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-314-9128.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Funeral Service at its meeting on December 8, 2009 scheduled to begin at 10:00 a.m. at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia. The Georgia State Board of Funeral Service has the authority to adopt proposed rule amendments to Rule 250-1-.04 pursuant to authority contained in O.C.G.A. §§ 43-1-25 and 43-18-23.

The Board will consider at its meeting on December 8, 2009 whether the formulation and adoption of this proposed rule amendment imposes excessive regulatory costs on any licensee or entity and whether any cost to comply with the proposed rule amendment could be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-25 and 43-18-23.

Additionally, at its meeting on December 8, 2009, the Board will consider whether it is legal or feasible in meeting the objectives of O.C.G.A. §§ 43-1-25 and 43-18-23 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The Board will consider whether the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 23rd day of October, 2009.

Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: October 23, 2009

SYNOPSIS OF PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE RULES,
CHAPTER 250-1 *ORGANIZATION*, RULE 250-1-.04 *RESTRICTIONS ON BOARD
MEMBERS' ACTIVITIES*.

Rule 250-1-.04 *Restrictions on Board Members' Activities*, is hereby proposed for amendment and adoption as amended.

Purpose: The purpose of the proposed rule amendments is to clarify “ownership” and “management interest” for the purpose of board member participation in deliberation and decisions on applications presented for Board consideration.

Main Features: The main features of the proposed amendments to the rule is to clarify the definitions of “ownership” and “management interest” to determine when a board member is restricted from deliberating on and participating in decisions on applications presented to the Board for consideration.

DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE,
CHAPTER 250-1 *ORGANIZATION*, RULE 250-1-.04 *RESTRICTIONS ON BOARD
MEMBERS' ACTIVITIES*.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

250-1-.04 Restrictions on Board Members' Activities.

(1) No Board member shall participate in the deliberation or the vote on licensure or registration of any applicant who is employed by, was previously employed by, or is being hired by that Board member.

(2) No Board member shall participate in the deliberation or the vote on licensure or registration of any applicant:

(a) who is known to be a relative of that Board member; or

(b) with whom that board member has a personal relationship which could affect the Board member's judgment.

(3) No Board member shall participate in the deliberation or the vote on licensure for any establishment or crematory in which the member has an ownership or management interest.

(a) For purposes of administering this rule, “ownership” is determined by whether the Board member has authority and responsibility for making decisions concerning the operations of the organization as a whole. “Ownership” does not include holding an insignificant equity ownership, such as in common stocks and bonds.

(b) For purposes of administering this rule, “management interest” is determined by whether the Board member has direct management responsibilities for the establishment involved in the vote or deliberation.

Authority: O.C.G.A. §§ 43-1-25 and 43-18-23.