

NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE,
CHAPTER 250-5 *PERSONAL LICENSURE*,
RULE 250-5-.11 *INACTIVE STATUS*.
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 250-5, *Personal Licensure*, Rule 250-5-.11 *Inactive Status*, (hereinafter "proposed rule amendments"). The proposed rule amendments include the adoption of a new rule, Rule 250-5-.11. The Board voted to post this notice of adoption and hearing at its board meeting on September 15, 2009.

The proposed rule amendments move the rule in its entirety from Section 250-6 Funeral Establishment/Crematory Licensure and Regulations, where it is currently listed as Rule 250-6-.04.

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 250-5-.11 pursuant to authority contained in O.C.G.A. §§ 43-1-22 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. §§ 43-1-22 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. §§ 43-1-22 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 250-5 *PERSONAL LICENSURE*, RULE 250-5-.11 *INACTIVE STATUS*.

Rule 250-5-.11 *Inactive Status* is hereby proposed for amendment and adoption as amended.

Purpose: The purpose of the proposed rule amendments is to move the entire rule from Section 250-6 Establishment/Crematory Licensure and Regulations, where it is presently listed as Rule 250-6-.04 *Inactive Status* and to include the rule in its entirety in Section 250-5 Personal Licensure. The provisions of the rule concern personal licensure of embalmers and funeral directors, and, therefore, the rule will be more appropriately listed in Section 250-5.

Main Features: The main features of the proposed amendments to the rule are to move the rule from Rule Section 250-6.

DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE,
CHAPTER 250-5 *PERSONAL LICENSURE*, RULE 250-5-.11 *INACTIVE STATUS*.

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

250-5-.11 Inactive Status.

A person must have a current Georgia license in order to apply for inactive status.

(a) A funeral director or embalmer who holds a current license and who will not practice funeral directing or embalming in Georgia may apply for inactive status by completing an Application for inactive status and submitting the appropriate fee (see Fee Schedule) to the Board. Once the license is on inactive status, an embalmer or funeral director **shall not** practice embalming or funeral directing in the State of Georgia while that license is on Inactive Status.

(b) In order to place a license on inactive status, the license must be in good standing and the licensee must show that he/she has met continuing education hours which will be required at their next renewal.

(c) A funeral director or embalmer who wishes to reactivate an inactive license must submit to the Board an Application to Reactivate, appropriate fee, and documentation of continuing education.

1. If the request to reactivate is received more than two years but less than four years from the date on which inactive status was approved, the licensee must document five (5) continuing education hours.

2. If the request to reactivate is received four or more years after the date on which inactive status was approved, the licensee must document 10 continuing education hours and take and pass the State Laws and Rules Examination, notwithstanding the fact that he/she may have passed the Laws and Rules Examination on a prior date.

Authority: O.C.G.A. §§ 43-1-22 and 43-18-23.