

NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE,
CHAPTER 250-6 *ESTABLISHMENT/CREMATORY LICENSURE AND
REGULATIONS*,
RULE 250-6-.02 *CHANGES OF STATUS WHICH MUST BE REPORTED. AMENDED.*
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 250-6, *Establishment/Crematory Licensure and Regulations*, Rule 250-6-.02 *Changes of Status Which Must Be Reported. Amended*, (hereinafter "proposed rule amendments"). The proposed rule amendments include revisions to Rule 250-6-.02. The Board voted to post this notice of adoption and hearing at its board meeting on September 15, 2009.

The proposed rule amendments provide that notification of a change of ownership must be signed and notarized by both the seller and the purchaser; provide for representatives of ownership to meet with the Board in the event that ownership cannot attend a meeting to appoint a new Funeral Director in Full & Continuous Charge; and provide that the Board may waive the appearance if the proposed Funeral Director in Full & Continuous Charge has an ownership interest in the establishment.

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 250-6-.02 pursuant to authority contained in O.C.G.A. §§ 43-1-2; 43-18-23; 43-18-71; 43-18-73; 43-18-74; 43-18-77; and 43-18-78.

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. §§ 43-1-2; 43-18-23; 43-18-71; 43-18-73; 43-18-74; 43-18-77; and 43-18-78.

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. §§ 43-1-2; 43-18-23; 43-18-71; 43-18-73; 43-18-74; 43-18-77; and 43-18-78 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 250-6 *ESTABLISHMENT/CREMATORY LICENSURE AND
REGULATIONS*, RULE 250-6-.02 *CHANGES OF STATUS WHICH MUST BE
REPORTED.AMENDED.*

Rule 250-6-.02 *Changes of Status Which Must Be Reported.Amended.* is hereby proposed for amendment and adoption as amended.

Purpose: The purpose of the proposed rule amendments is to provide that notification of a change of ownership of a funeral establishment or crematory must be signed by both the seller and the purchaser; to provide for representation of ownership in the event that ownership cannot attend a meeting to approve a new Funeral Director in Full & Continuous Charge; and to provide that the Board may waive the requirement of appearance for appointment if the new Funeral Director in Full & Continuous Charge has an ownership interest in the establishment.

Main Features: The main features of the proposed amendments to the rule are to require signatures of both parties when notifying the Board of a change of establishment ownership; to allow for representation of ownership for appointment of a Funeral Director in Full & Continuous Charge; and to allow the Board discretion to waive the requirement of appearance if the proposed Funeral Director in Full & Continuous Charge has an ownership interest in the establishment.

DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE,
CHAPTER 250-6 *ESTABLISHMENT/CREMATORY LICENSURE AND
REGULATIONS*, RULE 250-6-.02 *CHANGES OF STATUS WHICH MUST BE
REPORTED.AMENDED.*

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

250-6-.02 Changes of Status Which Must be Reported. Amended.

(1) Name. A change in the name of a funeral establishment or crematory shall require written application to the Board and submission of the appropriate fee. Upon Board approval, a different license number shall be issued.

(2) Address or Location. A change in the address and/or location of a funeral establishment or crematory shall require written application to the Board and submission of the appropriate fee. Upon Board approval, a different license number shall be issued.

(3) Ownership. A change of ownership of a funeral establishment or crematory shall require written notification within 15 days of the change in ownership of the said funeral establishment or crematory. Such notification must be signed by both the seller and the purchaser, and the signatures must be notarized.

(4) Funeral Director in Full and Continuous Charge.

(a) Any change in the funeral director in full and continuous charge must be reported to the Board in writing within five days. The Board shall request the new funeral director in full and continuous charge and the owner(s) and/or corporate officer(s) of the establishment or crematory to appear before the Board to determine if the requirements for a funeral director in full and continuous charge have been met. If the owner(s) and/or corporate officer(s) are not able to appear before the Board, they may appoint a representative through written authorization on company letterhead signed by the owner and/or corporate officer to represent them before the Board for the funeral director in full and continuous charge interview. In the event the funeral director in full and continuous charge applicant is also an owner of that funeral or crematory establishment, the requirement to appear before the Board may be waived.

(b) A funeral establishment or crematory temporarily without a funeral director in full and continuous charge shall notify the Board in writing within five days following the last day of the funeral director's service, requesting a 90-day grace period before the establishment or crematory license is revoked or terminated. The Board at its discretion, may grant one additional 90-day grace period upon proof of good cause, but grace periods may not total over 180 days in any two year period starting from the first day of the first grace period. A grace period shall be terminated upon approval by the Board of a funeral director in full and continuous charge.

(5) Destruction. A funeral establishment or crematory temporarily destroyed by fire, flood or other natural catastrophe, shall notify the Board, in writing, within five days following the catastrophe, requesting a 90-day grace period to use a temporary location while reconstructing the previous location, provided the establishment or crematory meets the requirements of the Code and Rules of the Board. The Board, at its discretion, may grant additional 90-day grace periods, upon proof of good cause. All services provided to the public during any grace period shall be provided by or under the supervision of a licensed funeral director.

O.C.G.A. §§ 43-1-2; 43-18-23; 43-18-71; 43-18-73; 43-18-74; 43-18-77; and 43-18-78.