

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-.03 *CONTINUING EDUCATION REQUIREMENTS. 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-.03 Continuing Education Requirements. Amended. (hereinafter "proposed rule amendments"). The proposed rule amendments includes repealing Rule 250-6-.03. The Board voted to post this notice of adoption and hearing at its board meeting on September 15, 2009.

The proposed rule amendments delete the rule in its entirety. The provisions of the rule are being posted as Rule 250-5-.12, in order to place the rule in a more proper section.

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-.03 pursuant to authority contained in O.C.G.A. §§ 43-1-23; 43-18-55; 43-18-56; and 43-18-73.

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. §§ 43-1-23; 43-18-55; 43-18-56; and 43-18-73.

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. §§ 43-1-23; 43-18-55; 43-18-56; and 43-18-73 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 29th day of October, 2009.

Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: October 29, 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-.03 CONTINUING EDUCATION
REQUIREMENTS.AMENDED.**

Rule 250-6-.03 Continuing Education Requirements. Amended, is hereby proposed for amendment and adoption as amended.

Purpose: The purpose of the proposed rule amendments is to delete the rule in its entirety, in order to establish a new rule with the same provisions. The provisions of the rule are being posted for adoption as Rule 250-5-.12 Continuing Education Requirements. Amended. Moving the rule is necessary to place the provisions of the rule in a more appropriate section.

Main Features: The main features of the proposed amendments to the rule are to delete the rule in its entirety, while a new rule, 250-5-.12 Continuing Education Requirements. Amended. is being posted for adoption. The new rule will contain the provisions of 250-6-.03.

**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-.03 CONTINUING EDUCATION
REQUIREMENTS.AMENDED.**

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

250-6-.03 Continuing Education Requirements. Amended.

~~(1) Effective for the 1998 license renewal, a total of ten hours of continuing education are required biennially (every two years) to renew an embalmer or funeral director license. Each licensee shall report in writing, under oath, the number of hours of continuing education he/she completed. Such report will be due at the time of renewal and shall accompany the Application for License Renewal. These continuing education hours shall have been obtained during the last two years preceding the renewal.~~

~~(2) All licensees must obtain 10 hours whether they hold one or two licenses.~~

~~(3) Funeral directors or embalmers who are licensed by the Board within the second year of the renewal cycle (after April 1 of the odd numbered year) will not be required to submit any continuing education hours for the first time they renew their license.~~

~~(4) Hardship, Disability and Age Requirement. The continuing education requirement shall be waived for persons who hold an inactive license or for licensed individuals over~~

the age of 65.

(a) ~~The Board shall waive the continuing education requirement in cases of hardship, disability, illness, or under such circumstances as the Board deems appropriate. Such waiver must be requested in writing to the Board and must be accompanied by acceptable documentation.~~

(5) ~~The Board shall be authorized to approve courses offered by educational institutions, specialty societies, professional or other organizations, and government agencies upon submission of an application and non-refundable fee. For the purpose of this rule, government agencies mean federal, state or local government agencies, public school systems and licensed hospitals. The board may, in its discretion, accept continuing education hours that are approved for continuing education hours in another state. The Board may require the licensee to submit various information concerning the course(s), and proof of successful completion.~~

(6) ~~Board Approved Providers. Continuing education hours may be obtained by participating in activities sponsored by Board Approved Providers. Board Approved Providers may only offer programs in the topic areas for which they have been approved. The provider shall certify the number of clock hours of educational content in each continuing education activity.~~

(a) ~~In order to qualify for initial Board approval, to renew Board approval or to qualify for~~

~~approval in additional topic areas, a provider must submit to the Board:~~

- ~~1. a Funeral Service Board Approved Continuing Education Provider Application and non-refundable fee (See fee schedule);~~
- ~~2. a description of the topic areas in which the provider plans to sponsor continuing education activities;~~
- ~~3. the names of all instructors currently offering continuing education activities, a description of the topic areas in which the instructor is qualified to teach along with a resume or other evidence demonstrating that each instructor is qualified in the identified topic area; and~~
- ~~4. program outlines, including instructors, objectives, schedules and instructional material.~~

(b) ~~Board Approved Provider status shall expire March 31 of even numbered years. The Provider must submit a new application and non-refundable application fee for the next renewal cycle. The Board retains the right to monitor continuing education programs sponsored by Board Approved Providers and will withdraw approval from providers who do not maintain Board standards.~~

(7) ~~Reporting and Documentation. Each licensee shall maintain documentation of their continuing education activities.~~

(a) ~~Each licensee shall attest, on his/her biennial license renewal application, that he/she has satisfied the continuing education requirements. Documentation of these activities shall be retained for three years by the licensee and not sent to the Board unless requested by the Board. False attestation of satisfaction of the continuing education requirements on a renewal application may subject the licensee to disciplinary action, including revocation.~~

(b) ~~The Board will audit a fixed percentage of the renewal applications. Licensees whose applications are audited will be required to provide documentation of his/her continuing~~

education requirements.

~~(c) An audited licensee who fails to provide the Board with acceptable documentation of the hours attested to in their application shall not have their license renewed. In the event the person seeks a new license, the Board may in its discretion review and take into consideration any and all files, including investigative files and/or reports, related to the person and/or establishment.~~

Authority: O.C.G.A. §§ 43-1-23; 43-18-55; 43-18-56; and 43-18-73.