GEORGIA STATE BOARD OF FUNERAL SERVICE
Secretary of State, Professional Licensing Boards Division

NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE RULES AND NOTICE OF PUBLIC HEARING

Chapter 250-Personal Licensure, Rule 250-5-.12 Continuing Education Requirements; Provider Approval

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 an amendment to Chapter 250-Personal Licensure, Rule 250-5-.12 Continuing Education Requirements; Provider Approval (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment 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 Board's website page at http://sos.ga.gov/index.php/licensing/plb/30, or by contacting the Board at 478-207-2440.

Any interested party affected by the rule may present written comments to the Board no later than close of business June 5, 2018. Written comments must be legible, signed, and should contain contact information from the maker (address, telephone number, email address, etc.). Written comments should be addressed to Lisa W. Durden, Director, Office of Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217; fax (866) 888-1308. Oral statements presented during the public hearing should be concise and will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its April 10, 2018 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-55; 43-18-56; and 43-18-73. Finally, the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-55; 43-18-56; and 43-18-73 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of funeral service.

A public hearing is scheduled to begin at 1:00 p.m. on June 12, 2018, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

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The proposed rule amendment will be considered for adoption by the Georgia State Board of Funeral Service at its meeting scheduled to begin 1:00 p.m. on June 12, 2018, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Funeral Service has the authority to adopt the proposed rule amendment to 250-5-.12 pursuant to authority contained in O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-55; 43-18-56; and 43-18-73.

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

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 2 day of May 2018.

Lisa W. Durden, Director
Professional Licensing Boards

Posted: 5/2/2018

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SYNOPSIS OF PROPOSED CHANGES TO THE RULES
Chapter 250-Personal Licensure, Rule 250-5-.12 Continuing Education Requirements; Provider Approval

Purpose: The purpose of this amendment is to remove antiquated language, clarify the renewal process, change formatting to achieve a clearer presentation of the content, add language regarding instructors, and clean up confusing wording to simplify the rule.

Main Features: The main features of this amendment are restructuring of sentences to make the rule more easily understood and addition of language outlining requirements for instructors.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE RULE
Chapter 250-Personal Licensure, Rule 250-5-.12 Continuing Education Requirements; Provider Approval

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

Chapter 250-Personal Licensure

Rule 250-5-.12 Continuing Education Requirements; Provider Approval

(1) ~~Effective for the 1998 license renewal, a total of ten~~ Ten (10) hours of continuing education are required biennially (every two (2) years) to renew an embalmer or funeral director license. At the time of renewal, each ~~Each~~ licensee shall submit an Application for License Renewal and a report in writing, under oath, noting 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 (2) years preceding the renewal.

(2) All licensees must obtain ten (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 continuing education hours for their first license renewal.

(4) Hardship, Disability and Age Requirement. The continuing education requirement shall be waived for persons who hold an Inactive Status license or for licensed individuals ~~over the age of~~ age 65 or older; and

(a) the Board may waive the continuing education requirement in cases of hardship, disability, illness, or under such circumstances as the Board deems appropriate. ~~Such~~ The 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~~ or government agencies upon submission of an application and non-refundable fee. For the purpose of this rule, 'government agencies' means federal, state or local government agencies, public school systems and licensed hospitals.

(6) The Board may, in its discretion, accept continuing education hours that are approved in another state. The Board may require the licensee to submit information concerning the course(s), and proof of successful completion.

~~(6)~~ (7) Board Approved Providers. Continuing education hours may be obtained by participating in activities sponsored by Board-Approved Providers. Board-Approved Providers ~~may only~~ shall offer programs only 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) To qualify for initial approval, to renew 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); and

2. a description of the topic areas in which the provider plans to sponsor continuing education activities; and

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.

(8) Board Approved Instructors. Continuing Education Instructors must meet minimum qualifications for instructor certification.

(a) In order to qualify for initial Board approval or to renew Board approval, a provider must submit the following to the Board:

1. a Funeral Service Board Approved Instructor Application and non-refundable fee (see fee schedule); and

2. 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

3. evidence of a minimum of five (5) years supervisory experience in the Funeral Service Profession; or

4. evidence of any other experience or education which may qualify applicant for certification upon the discretion of the Board.

(b) Board-approved instructor status shall expire March 31 of even-numbered years. The instructor must submit a new application and non-refundable fee for the next renewal cycle.

~~(7)~~ (9) Reporting and Documentation. Each licensee shall maintain documentation of their continuing education activities.

(a) Each licensee shall attest, on ~~his/her~~ the biennial license renewal application, that ~~he/she~~ the licensee has satisfied the continuing education requirements. Documentation of these activities shall be retained for three (3) years by the licensee and shall be provided to the Board only upon the Board's request ~~.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 license revocation; and

(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~~ having met the continuing education requirements; and

(c) An audited licensee who fails to provide the Board with acceptable documentation of the hours attested to in ~~their~~ the renewal 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 all files, including investigative files and/or reports, related to the person and/or establishment.

Authority: O.C.G.A. § Secs. 43-1-19; 43-1-25; 43-18-23; 43-18-46; 43-18-55; 43-18-56; and 43-18-73

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