

**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-.08 DETERMINATION OF FUNERAL DIRECTOR IN
FULL AND CONTINUOUS CHARGE
AND NOTICE OF PUBLIC HEARING**

RULE 250-6-.08 DETERMINATION OF FUNERAL DIRECTOR IN FULL AND
CONTINUOUS CHARGE

TO ALL INTERESTED 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 Rule 250-6-.08 (herein after "proposed rule").

This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also 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. The documents will also be available for review on the Board's website at <https://sos.ga.gov/georgia-state-board-funeral-service>. Copies may also be requested by contacting the Board office at (844) 753-7825.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 10:00 a.m., January 10, 2023 in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board's website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on January 2, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Interim Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During 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 will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on October 4, 2022. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-18-23. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-18-23 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(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 in the field of Funeral Service.

According to the Department of Law of the State of Georgia, the Georgia State Board of Funeral Service has the authority to adopt proposed Rule 250-6-.08 pursuant to authority contained in O.C.G.A. §§ 43-18-23.

For further information, contact the Board office at (404) 424-9966.

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

This the 28th day of November, 2022.



Gabriel Sterling
Interim Division Director
Professional Licensing Boards Division

Posted: 11/28/22

**SYNOPSIS TO PROPOSED CHANGES TO
RULE 250-6-.08 DETERMINATION OF FUNERAL DIRECTOR IN FULL AND
CONTINUOUS CHARGE**

Purpose/Main Feature: This rule amendment will prohibit a licensed Funeral Director from serving as a Funeral Director in Full and Continuous Charge (“FDFCC”) if the licensee is serving criminal probation for any felony or crime of moral turpitude, unless the Funeral Director is the owner of the establishment. Additionally, this amendment will require an applicant for FDFCC who has been disciplined or sanctioned by any licensing authority to appear before the Board when considering their application to serve as FDFCC. This amendment is necessary to ensure that Funeral Directors who serve as FDFCC and have greater responsibility for funeral establishments meet higher qualifications than those Funeral Directors who do not serve in that role. The Board has considered multiple variations of this rule amendment and has determined this to be the most succinct wording while adhering to requirements in the statute.

**Chapter 250-6 ESTABLISHMENT/CREMATORY LICENSURE AND
REGULATIONS**

Rule 250-6-.08 Determination of Funeral Director in Full and Continuous Charge

- (1) The Board shall have the authority to evaluate each application for a funeral establishment or crematory license to determine whether the funeral director has the ability to be accessible and available to the community if the funeral director does not spend a minimum of forty (40) hours per week in the employ and operation of the establishment. The Board may then approve an application where the funeral director does not satisfy the specific requirement to spend a minimum of forty (40) hours per week in the employ and operation of the establishment or crematory if the Board is satisfied that the funeral director will be accessible and available to the community.
- (2) The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in this capacity at one (1) funeral establishment, but may also serve as the Funeral Director in Full and Continuous Charge at a crematory if the crematory is located at the same physical address as the approved funeral establishment, provided that the funeral establishment and crematory are licensed under the same ownership. If the crematory offers their services directly to the public, a different Funeral Director in Full and Continuous Charge would be required. In determining whether the funeral director possesses the ability to be accessible and available to the community, the Board will consider:
 - (a) the proximity of the funeral director's other employment and/or residence to the funeral establishment;

- (b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment; and
 - (c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.
- (3) A funeral director may not serve as Funeral Director in Full and Continuous Charge if they are currently serving criminal probation for any felony or crime of moral turpitude, unless the funeral director is the owner of the establishment where they serve or plan to serve as Funeral Director in Full and Continuous Charge. Additionally, a funeral director may not serve as Funeral Director in Full and Continuous Charge if they have been disciplined or sanctioned by any licensing authority in any state, including Georgia, without first appearing before the Board, and such discipline or sanction may be a basis for denial of the application to serve as Funeral Director in Full and Continuous Charge.

Authority: O.C.G.A. §§ 43-18-23

RULES
OF
GEORGIA STATE BOARD OF FUNERAL SERVICE

CHAPTER 250-6

ESTABLISHMENT/CREMATORY LICENSURE AND REGULATIONS

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- (2) The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in this capacity at one (1) funeral establishment, but may also serve as the Funeral Director in Full and Continuous Charge at a crematory if the crematory is located at the same physical address as the approved funeral establishment, provided that the funeral establishment and crematory are licensed under the same ownership. If the crematory offers their services directly to the public, a different Funeral Director in Full and Continuous Charge would be required. In determining whether the funeral director possesses the ability to be accessible and available to the community, the Board will consider:
 - (a) the proximity of the funeral director's other employment and/or residence to the funeral establishment;
 - (b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment; and
 - (c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.
- (3) A funeral director may not serve as Funeral Director in Full and Continuous Charge if they are currently serving criminal probation for any felony or crime of moral turpitude, unless the funeral director is the owner of the establishment where they serve or plan to serve as Funeral Director in Full and Continuous Charge. Additionally, a funeral director may not serve as Funeral Director in Full and Continuous Charge if they have been disciplined or sanctioned by any licensing authority in any state, including Georgia,

without first appearing before the Board, and such discipline or sanction may be a basis for denial of the application to serve as Funeral Director in Full and Continuous Charge.

Authority: O.C.G.A. §§ 43-18-23