

**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-.01 FUNERAL ESTABLISHMENT/CREMATORY
LICENSURE REQUIREMENTS, RULE 250-6-.02 CHANGE IN NAME, ADDRESS,
LOCATION, OWNERSHIP, AND/OR ADDITION OF CREMATION DEVICE, RULE
250-6-.07 CREMATORY INSPECTIONS, RULE 250-6-.08 DETERMINATION OF
FUNERAL DIRECTOR IN FULL AND CONTINUOUS CHARGE, RULE 250-6-.09
RESPONSIBILITIES OF THE FUNERAL DIRECTOR IN FULL & CONTINUOUS
CHARGE
AND NOTICE OF PUBLIC HEARING**

RULE 250-6-.01 FUNERAL ESTABLISHMENT/CREMATORY LICENSURE
REQUIREMENTS

RULE 250-6-.02 CHANGE IN NAME, ADDRESS, LOCATION, OWNERSHIP, AND/OR
ADDITION OF CREMATION DEVICE

RULE 250-6-.07 CREMATORY INSPECTIONS

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

RULE 250-6-.09 RESPONSIBILITIES OF THE FUNERAL DIRECTOR IN FULL &
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-.01 Funeral Establishment/Crematory Licensure Requirements, Rule 250-6-.02 Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device, Rule 250-6-.07 Crematory Inspections, Rule 250-6-.08 Determination of Funeral Director in Full and Continuous Charge, and Rule 250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge (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 rules, and a synopsis of the proposed rules 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 www.sos.ga.gov/plb/funeral. 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 amendments at a public hearing to be held at 10:00a.m., March 8, 2022 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 March 1, 2022. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, 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 January 11, 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(1), (3), (5), 43-18-71(a), and 43-18-72(a), (b), (d). Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-18-23(1), (3), (5), 43-18-71(a), and 43-18-72(a), (b), (d) 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-.01 Funeral Establishment/Crematory Licensure Requirements, Rule 250-6-.02 Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device, Rule 250-6-.07 Crematory Inspections, Rule 250-6-.08 Determination of Funeral Director in Full and Continuous Charge, and Rule 250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge pursuant to authority contained in O.C.G.A. §§ 43-18-23(1), (3), (5), 43-18-71(a), and 43-18-72(a), (b), (d).

For further information, contact the Board office at (844)-753-7825.

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

This the 21st day of January, 2022.



Gabriel Sterling
Interim Division Director
Professional Licensing Boards Division

Posted: 1/21/2022

**SYNOPSIS TO PROPOSED CHANGES TO
RULE 250-6-.01 FUNERAL ESTABLISHMENT/CREMATORY LICENSURE
REQUIREMENTS, RULE 250-6-.02 CHANGE IN NAME, ADDRESS, LOCATION,
OWNERSHIP, AND/OR ADDITION OF CREMATION DEVICE, RULE 250-6-.07
CREMATORY INSPECTIONS, RULE 250-6-.08 DETERMINATION OF FUNERAL
DIRECTOR IN FULL AND CONTINUOUS CHARGE, RULE 250-6-.09
RESPONSIBILITIES OF THE FUNERAL DIRECTOR IN FULL & CONTINUOUS
CHARGE**

Purpose/Main Feature: These rule amendments aim to remove any conflict with current statute and eliminate antiquated language in direct response to recent changes in O.C.G.A. § 43-18-1(5.1), 43-18-72(b), and 43-18-72(a)(1). These amendments would require that a crematory notify the Board of the cremation devices that they intend operate, when applying for a license and when adding a cremation device to a licensed facility, that they pass an inspection, and that the appropriate staff complete Board approved training relevant to the operation of the devices to ensure competent practitioners. These amendments also provide clarity for which situations would allow a Funeral Director in Full and Continuous Charge to serve in that role at more than one licensed facility. The Board has considered multiple variations of these rule amendments 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-.01 Funeral Establishment / Crematory Licensure Requirements

- (1) A funeral establishment or crematory may be operated only if it possesses a license valid for that establishment or crematory. Application to the Board for licensure shall be made on a Board-approved form and shall require submission of the proper fee. The application must be complete in its entirety and must be received at least fifteen (15) days prior to the Board meeting at which it will be considered. The Board shall accept or reject each application by majority vote.
- (2) A license for a funeral establishment or crematory is issued to that particular establishment or crematory under a specified name, at a specified location, and under a specified funeral director in full and continuous charge.
- (3) An establishment shall operate only under the name in which the license was issued.
- (4) A license may be issued to a funeral establishment or crematory only if the business has a licensed Funeral Director in Full and Continuous Charge. See O.C.G.A. § 43-18-71 and Rule 250-6-.08 for the requirements concerning the Funeral Director in Full and Continuous Charge.
- (5) An inspection of a funeral home or crematory shall be made by a Board Inspector prior to licensure. Inspection must be completed after the application has been administratively reviewed, is determined to have no deficiencies, and prior to Board meeting at which it will be considered. Requirements of inspection for funeral establishment and crematories are listed in Rule 250-6-.06 and Rule 250-6.07, respectively. If reinspection is required, an additional fee shall be payable prior to reinspection. Refer to Fee Schedule.

(6) A crematory may be operated only if it possesses a separate license for such purpose. However, a funeral establishment for which a valid license to operate is in effect on July 1, 2002, shall not be required to obtain a separate license to operate a crematory until on and after the renewal date to operate a funeral establishment must comply with the minimum equipment and facilities requirements and all other statutes, rules and regulations relating to crematories.

(7) An applicant for a crematory must disclose to the Board the number and type of cremation devices at that establishment, and may not operate any other cremation devices without first notifying the Board and submitting proof to the Board of completion of Board approved training relevant to the operation of the cremation device. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee which will operate the cremation device.

Authority: O.C.G.A. §§ 43-18-23(1), (3), and (5); 43-18-71(a)(1) and 43-18-72(a)(1)(D) and (d).

Rule 250-6-.02 Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device

- (1) Name. A change in the name of a funeral establishment or crematory shall require submission of an application and appropriate fee to the Board. Upon Board approval, a new 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 submission of an application and appropriate fee to the Board. Upon Board approval, a new license number shall be issued.
- (3) Ownership. A change of ownership of a funeral establishment or crematory shall require submission of an application and appropriate fee to the Board within fifteen (15) days of the change in ownership of the said funeral establishment or crematory. The 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 (5) 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; and
 - (b) A funeral establishment or crematory temporarily without a Funeral Director in Full and Continuous Charge shall notify the Board in writing within five (5) 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 (5) 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.

(6) A licensed crematory that seeks to add a cremation device to the facility must notify the Board in writing, and may not operate any new cremation devices before passing an inspection by a representative of the Professional Licensing Boards Division and submitting proof to the Board of completion of Board approved training relevant to the operation of the cremation device. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee who may operate the cremation device.

Authority: O.C.G.A. §§ 43-18-23(1),(3) and (5), 43-18-71(a)(1), and 43-18-72(a)(1)(D) and (d).

Rule 250-6-.07 Crematory Inspections. Amended

- (1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday. The funeral director in full and continuous charge need not be present for the inspection, but the crematory must be open during these hours for inspection. Requirements of inspections are as follows:
- (a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be \$100.00;
 - (b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be \$50.00;
 - (c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be \$100.00;
 - (d) At least one (1) operable retort for cremation; the fine for a violation of this subsection shall be \$200.00;
 - (e) At least one (1) operable processing station for grinding of cremated remains; the fine for a violation of this subsection shall be \$200.00;
 - (f) At least one (1) church truck; the fine for a violation of this subsection shall be \$50.00;
 - (g) A current license for the crematory and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be \$100.00;

- (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments; and
 - (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display their name and valid license in all designated arrangement rooms; the fine for a violation of this subsection shall be \$100.00.
- (2) A representative of the Board shall be authorized to obtain information on ~~the retort~~ all cremation devices used for the cremation of dead human bodies used by the establishment for cremations. The information shall include, but not be limited to:
- (a) Make and model of the ~~retort~~ cremation device;
 - (b) Manufacturer's name;
 - (c) Year installed;
 - (d) Date of most recent manufacturer's inspection;
 - (e) Copy of most recent inspection report from manufacturer; and
 - (f) Documentation regarding necessary repairs to the ~~retort~~ cremation device.
- (3) The Board shall require crematories to have ~~annual~~ inspections of the ~~retort~~ by the manufacturer or other authorized crematory repair company once every five years to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the ~~retort~~ immediately, not to exceed thirty (30) days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.
- (4) The Board shall require the Funeral Director in Full and Continuous Charge, and any employee who may operate a cremation device, to be certified as a crematory operator from a course approved by the Board for any cremation device used in the funeral home/crematory prior to operating such cremation device.

Authority: O.C.G.A. §§ 43-18-23(1), (3) and (5), 43-18-71(a)(1), 43-18-72(a)(1)(D), (b), and (d).

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.

Authority: O.C.G.A. §§ 43-18-23(1), (3) and (5); and 43-18-71(a).

Rule 250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge

(1) The Funeral Director in Full & Continuous Charge shall:

- (a) Ensure that the establishment is licensed properly with the Board and maintains the license in active status at all times, as required by OCGA §§ 43-18-5(a), 43-18-46(25), & 43-18-73.
- (b) Ensure that the funeral establishment complies with the provisions of OCGA § 43-18-70 and Rule 250-6-.06.
- (c) Ensure that the crematory complies with the provisions of OCGA § 43-18-72 and Rule 250-6-.07.
- (d) Ensure that every individual who will serve as embalmer, director, or apprentice is licensed properly with the Board and maintains the appropriate license at all times while they are in the employ of the establishment, as required by OCGA §§ 43-18-5(a)& 43-18-46(18), (25).
- (e) Ensure that no one employed by or representing the establishment gives or contracts to give any person or business entity anything of value to induce such person or entity to persuade someone to use the services of the establishment or any embalmer or director employed by the establishment. Such practice is prohibited by OCGA §§ 43-18-5(d)& 43-18-46(7).
- (f) Ensure that no one employed by or representing the establishment accepts anything of value to influence, persuade, or suggest to family members as to where a body should or should not be buried. Such practice is prohibited by OCGA § 43-18-5(e).
- (g) Ensure that all deceased human bodies are released to the legally authorized person upon request of that person, in accordance with OCGA §§ 43-18-5(f)& 43-18-46(16).
- (h) Ensure that every deceased body serviced by the establishment is properly tagged prior to interment or cremation and that all cremated remains are labeled in accordance with the provisions of OCGA § 43-18-8(a).
- (i) Ensure that the certificate of cremation is completed with notarized signature and presented to the legally authorized person at the time of delivery or release, in accordance with OCGA § 43-18-8(b).

- (j) Ensure that the licenses or wall certificates issued by the Board to the establishment and all licensed people employed by the establishment are posted in a conspicuous place in the establishment, as required by OCGA § 43-18-44.
- (k) Ensure that the name of the proper embalmer and funeral director is listed on all death certificates. If the name of the embalmer and/or funeral director is signed on the death certificate, it must be the actual signature of the person, in accordance with OCGA § 43-18-46(4), (9).
- (l) Ensure that charges for merchandise and services rendered are in compliance with the General Price List, casket price list, outer burial container list, or the funeral services contract price list, as required by 16CFR 453.2 & OCGA § 43-18-46(17).
- (m) Ensure that the General Price List is provided upon request, regardless of the reason for the request, as required by 16CFR 453.2.
- (n) Ensure that a written, signed contract is provided to every customer upon completion of the contract negotiation and is available at the establishment for a period of 3 years.
- (o) Ensure compliance with the terms of the funeral services contract, as required by OCGA § 43-18-46(12).
- (p) Ensure that all statements made regarding services, merchandise, and legal requirements are accurate, in accordance with OCGA § 43-18-46(11),(23). The FDFCC must ensure that all employees are educated regarding services, merchandise, and legal requirements so as to provide accurate information and to avoid misleading the public.
- (q) Safeguard the decedent's dignity, right to privacy, or right to confidentiality, unless compelled by law to do otherwise, in accordance with OCGA § 43-18-46(13).
- (r) Ensure that assigned benefits in excess of the charges incurred are remitted to the assignee of the deceased within 10 working days of the receipt of the assigned funds, as required by OCGA § 43-18-46(15),(26).
- (s) Ensure that the establishment refrains from involvement in burial societies, burial associations, burial certificate plans, or burial membership plans, which are prohibited by OCGA § 43-18-46(19).
- (t) Ensure that all employees and agents of the establishment refrain from soliciting as defined in OCGA § 43-18-1(21). Soliciting is prohibited by OCGA § 43-18-46(20).
- (u) Ensure that all apprenticeship service reports and affidavits of embalming and directing for apprentices of the establishment are accurate and signed by the appropriate supervisor(s), in accordance with OCGA §§ 43-18-46(21) & 43-18-52.
- (v) Ensure that apprentices of the establishment work under the direct supervision of the supervisor(s) on record with the Board, in accordance with OCGA § 43-18-50. It is mandatory that the FDFCC ensure that any changes in the supervision of apprentices are reported on the application provided by the Board and are approved by the Board prior to the apprentices working under the new supervisor(s).
- (w) Ensure that the Board is notified upon the termination of an apprentice employed by the establishment.

- (x) Ensure that the establishment complies with all federal, state, and local regulations as listed in OCGA § 43-18-46(22).
- (y) Ensure that discrimination, as described in OCGA § 43-18-46(24), is not tolerated in the establishment.
- (z) Ensure that all personal properties obtained from dead human remains are safeguarded and disposed of as directed by the legally authorized person, in accordance with OCGA § 43-18-46(25).
- (aa) Ensure that all employees of the establishment conduct themselves in a professional, moral, ethical manner, and report any misconduct to the Board promptly with an explanation of any disciplinary action taken, as required by OCGA § 43-18-46(14),(27).
- (bb) Ensure that the prohibition of activities by a funeral director who is also a coroner or minister, found in OCGA § 43-18-46(28), is adhered to by employees of the establishment with such dual roles.
- (cc) Ensure that all embalmers and funeral directors employed by the establishment comply with the provisions of OCGA § 43-18-55 and 43-18-56, regarding continuing education.
- (dd) Ensure that the FDFCC complies with the responsibilities detailed in OCGA § 43-18-71 by assuming full responsibility for the supervision and operation of the funeral establishment, acting as FDFCC only for the establishment for which the FDFCC was approved, and spending a minimum of 40 hours per week in the employ and operation of the establishment and being accessible and available to the community. The FDFCC for each funeral establishment and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices.
- (ee) Ensure that the Board is notified within 5 days of the FDFCC's separation from the establishment, as required by OCGA § 43-18-71(b).
- (ff) Ensure that the Board is notified within 15 days prior to a change of ownership in the establishment, as required by OCGA § 43-18-73(b).
- (gg) Ensure that the Board is notified within 5 days of the destruction of the establishment by fire, flood, or other natural cause, in accordance with OCGA § 43-18-78. If the establishment wishes to operate from a temporary location, the FDFCC must ensure that a letter requesting a 90-day grace period is submitted to the Board. The FDFCC will be responsible to update the Board within 90 days on the status of rebuilding efforts and to request subsequent 90-day grace periods if necessary to continue operating from the temporary site approved by the Board.
- (hh) Ensure that the establishment is made available for inspection by representatives of the Professional Licensing Boards Division, as required by OCGA § 43-18-75(a)& Rule 250-6-.06.
- (ii) Ensure that violations found by inspectors are corrected promptly and fines levied resulting from violations are paid or appealed to the Board in writing within 30 days as stated on the citation report.

(jj) Ensure that cremated remains are disposed of in accordance with the provisions of OCGA § 43-18-80.

(kk) Notify the Board within 5 days of an inspection by the manufacturer or authorized crematory repair company indicating less than satisfactory results, and ensure that necessary repairs are made immediately, not to exceed 30 days without approval by the Board.

(ll) Ensure that any employee who operates a cremation device is certified as a crematory operator from a course approved by the Board prior to operating such cremation device.

(2) Revocation of funeral director in full and continuous charge appointment may be considered for any funeral establishment violation(s), especially repeat and/or habitual violations.

Authority: O.C.G.A. §§ 43-18-71(a)(1)

Rule 250-6-.01 Funeral Establishment / Crematory Licensure Requirements

- (1) A funeral establishment or crematory may be operated only if it possesses a license valid for that establishment or crematory. Application to the Board for licensure shall be made on a Board-approved form and shall require submission of the proper fee. The application must be complete in its entirety and must be received at least fifteen (15) days prior to the Board meeting at which it will be considered. The Board shall accept or reject each application by majority vote.
- (2) A license for a funeral establishment or crematory is issued to that particular establishment or crematory under a specified name, at a specified location, and under a specified funeral director in full and continuous charge.
- (3) An establishment shall operate only under the name in which the license was issued.
- (4) A license may be issued to a funeral establishment or crematory only if the business has a licensed Funeral Director in Full and Continuous Charge. See O.C.G.A. § 43-18-71 and Rule 250-6-.08 for the requirements concerning the Funeral Director in Full and Continuous Charge.
- (5) An inspection of a funeral home or crematory shall be made by a Board Inspector prior to licensure. Inspection must be completed after the application has been administratively reviewed, is determined to have no deficiencies, and prior to Board meeting at which it will be considered. Requirements of inspection for funeral establishment and crematories are listed in Rule 250-6-.06 and Rule 250-6.07, respectively. If reinspection is required, an additional fee shall be payable prior to reinspection. Refer to Fee Schedule.
- (6) A crematory may be operated only if it possesses a separate license for such purpose. However, a funeral establishment for which a valid license to operate is in effect on July 1, 2002, shall not be required to obtain a separate license to operate a crematory until on and after the renewal date to operate a funeral establishment must comply with the minimum equipment and facilities requirements and all other statutes, rules and regulations relating to crematories.
- (7) An applicant for a crematory must disclose to the Board the number and type of cremation devices at that establishment, and may not operate any other cremation devices without first notifying the Board and submitting proof to the Board of completion of Board approved training relevant to the operation of the cremation device. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee which will operate the cremation device.

Authority: O.C.G.A. §§ 43-18-23(1), (3), and (5); 43-18-71(a)(1) and 43-18-72(a)(1)(D) and (d).

Rule 250-6-.02 Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device

- (1) Name. A change in the name of a funeral establishment or crematory shall require submission of an application and appropriate fee to the Board. Upon Board approval, a new 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 submission of an application and appropriate fee to the Board. Upon Board approval, a new license number shall be issued.
- (3) Ownership. A change of ownership of a funeral establishment or crematory shall require submission of an application and appropriate fee to the Board within fifteen (15) days of the change in ownership of the said funeral establishment or crematory. The 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 (5) 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; and
 - (b) A funeral establishment or crematory temporarily without a Funeral Director in Full and Continuous Charge shall notify the Board in writing within five (5) 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 (5) 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.
- (6) A licensed crematory that seeks to add a cremation device to the facility must notify the Board in writing, and may not operate any new cremation devices before passing an inspection by a representative of the Professional Licensing Boards Division and submitting proof to the Board of completion of Board approved training relevant to the operation of the cremation device. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee who may operate the cremation device.

Authority: O.C.G.A. §§ 43-18-23(1), (3) and (5), 43-18-71(a)(1), and 43-18-72(a)(1)(D) and (d).

Rule 250-6-.07 Crematory Inspections. Amended

- (1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday. The funeral director in full and continuous charge need not be present for the inspection, but the crematory must be open during these hours for inspection. Requirements of inspections are as follows:
 - (a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be \$100.00;
 - (b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be \$50.00;
 - (c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be \$100.00;
 - (d) At least one (1) operable retort for cremation; the fine for a violation of this subsection shall be \$200.00;
 - (e) At least one (1) operable processing station for grinding of cremated remains; the fine for a violation of this subsection shall be \$200.00;
 - (f) At least one (1) church truck; the fine for a violation of this subsection shall be \$50.00;
 - (g) A current license for the crematory and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be \$100.00;
 - (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments; and
 - (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display their name and valid license in all designated arrangement rooms; the fine for a violation of this subsection shall be \$100.00.
- (2) A representative of the Board shall be authorized to obtain information on all cremation devices used for the cremation of dead human bodies used by the establishment for cremations. The information shall include, but not be limited to:
 - (a) Make and model of the cremation device;
 - (b) Manufacturer's name;
 - (c) Year installed;
 - (d) Date of most recent manufacturer's inspection;
 - (e) Copy of most recent inspection report from manufacturer; and
 - (f) Documentation regarding necessary repairs to the cremation device.
- (3) The Board shall require crematories to have inspections of the retort by the manufacturer or other authorized crematory repair company once every five years to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed thirty (30) days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.

- (4) The Board shall require the Funeral Director in Full and Continuous Charge, and any employee who may operate a cremation device, to be certified as a crematory operator from a course approved by the Board for any cremation device used in the funeral home/crematory prior to operating such cremation device.

Authority: O.C.G.A. §§ 43-18-23(1), (3) and (5), 43-18-71(a)(1), 43-18-72(a)(1)(D), (b), and (d).

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.

Authority: O.C.G.A. §§ 43-18-23(1), (3) and (5); and 43-18-71(a).

Rule 250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge

- (1) The Funeral Director in Full & Continuous Charge shall:
 - (a) Ensure that the establishment is licensed properly with the Board and maintains the license in active status at all times, as required by OCGA §§ 43-18-5(a), 43-18-46(25), & 43-18-73.
 - (b) Ensure that the funeral establishment complies with the provisions of OCGA § 43-18-70 and Rule 250-6-.06.
 - (c) Ensure that the crematory complies with the provisions of OCGA § 43-18-72 and Rule 250-6-.07.
 - (d) Ensure that every individual who will serve as embalmer, director, or apprentice is licensed properly with the Board and maintains the appropriate license at all times

- while they are in the employ of the establishment, as required by OCGA §§ 43-18-5(a)& 43-18-46(18), (25).
- (e) Ensure that no one employed by or representing the establishment gives or contracts to give any person or business entity anything of value to induce such person or entity to persuade someone to use the services of the establishment or any embalmer or director employed by the establishment. Such practice is prohibited by OCGA §§ 43-18-5(d)& 43-18-46(7).
 - (f) Ensure that no one employed by or representing the establishment accepts anything of value to influence, persuade, or suggest to family members as to where a body should or should not be buried. Such practice is prohibited by OCGA § 43-18-5(e).
 - (g) Ensure that all deceased human bodies are released to the legally authorized person upon request of that person, in accordance with OCGA §§ 43-18-5(f)& 43-18-46(16).
 - (h) Ensure that every deceased body serviced by the establishment is properly tagged prior to interment or cremation and that all cremated remains are labeled in accordance with the provisions of OCGA § 43-18-8(a).
 - (i) Ensure that the certificate of cremation is completed with notarized signature and presented to the legally authorized person at the time of delivery or release, in accordance with OCGA § 43-18-8(b).
 - (j) Ensure that the licenses or wall certificates issued by the Board to the establishment and all licensed people employed by the establishment are posted in a conspicuous place in the establishment, as required by OCGA § 43-18-44.
 - (k) Ensure that the name of the proper embalmer and funeral director is listed on all death certificates. If the name of the embalmer and/or funeral director is signed on the death certificate, it must be the actual signature of the person, in accordance with OCGA § 43-18-46(4), (9).
 - (l) Ensure that charges for merchandise and services rendered are in compliance with the General Price List, casket price list, outer burial container list, or the funeral services contract price list, as required by 16CFR 453.2 & OCGA § 43-18-46(17).
 - (m) Ensure that the General Price List is provided upon request, regardless of the reason for the request, as required by 16CFR 453.2.
 - (n) Ensure that a written, signed contract is provided to every customer upon completion of the contract negotiation and is available at the establishment for a period of 3 years.
 - (o) Ensure compliance with the terms of the funeral services contract, as required by OCGA § 43-18-46(12).
 - (p) Ensure that all statements made regarding services, merchandise, and legal requirements are accurate, in accordance with OCGA § 43-18-46(11),(23). The FDFCC must ensure that all employees are educated regarding services, merchandise, and legal requirements so as to provide accurate information and to avoid misleading the public.
 - (q) Safeguard the decedent's dignity, right to privacy, or right to confidentiality, unless compelled by law to do otherwise, in accordance with OCGA § 43-18-46(13).

- (r) Ensure that assigned benefits in excess of the charges incurred are remitted to the assignee of the deceased within 10 working days of the receipt of the assigned funds, as required by OCGA § 43-18-46(15),(26).
- (s) Ensure that the establishment refrains from involvement in burial societies, burial associations, burial certificate plans, or burial membership plans, which are prohibited by OCGA § 43-18-46(19).
- (t) Ensure that all employees and agents of the establishment refrain from soliciting as defined in OCGA § 43-18-1(21). Soliciting is prohibited by OCGA § 43-18-46(20).
- (u) Ensure that all apprenticeship service reports and affidavits of embalming and directing for apprentices of the establishment are accurate and signed by the appropriate supervisor(s), in accordance with OCGA §§ 43-18-46(21) & 43-18-52.
- (v) Ensure that apprentices of the establishment work under the direct supervision of the supervisor(s) on record with the Board, in accordance with OCGA § 43-18-50. It is mandatory that the FDFCC ensure that any changes in the supervision of apprentices are reported on the application provided by the Board and are approved by the Board prior to the apprentices working under the new supervisor(s).
- (w) Ensure that the Board is notified upon the termination of an apprentice employed by the establishment.
- (x) Ensure that the establishment complies with all federal, state, and local regulations as listed in OCGA § 43-18-46(22).
- (y) Ensure that discrimination, as described in OCGA § 43-18-46(24), is not tolerated in the establishment.
- (z) Ensure that all personal properties obtained from dead human remains are safeguarded and disposed of as directed by the legally authorized person, in accordance with OCGA § 43-18-46(25).
- (aa) Ensure that all employees of the establishment conduct themselves in a professional, moral, ethical manner, and report any misconduct to the Board promptly with an explanation of any disciplinary action taken, as required by OCGA § 43-18-46(14),(27).
- (bb) Ensure that the prohibition of activities by a funeral director who is also a coroner or minister, found in OCGA § 43-18-46(28), is adhered to by employees of the establishment with such dual roles.
- (cc) Ensure that all embalmers and funeral directors employed by the establishment comply with the provisions of OCGA § 43-18-55 and 43-18-56, regarding continuing education.
- (dd) Ensure that the FDFCC complies with the responsibilities detailed in OCGA § 43-18-71 by assuming full responsibility for the supervision and operation of the funeral establishment, acting as FDFCC only for the establishment for which the FDFCC was approved, and spending a minimum of 40 hours per week in the employ and operation of the establishment and being accessible and available to the community. The FDFCC for each funeral establishment and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices.

- (ee) Ensure that the Board is notified within 5 days of the FDFCC's separation from the establishment, as required by OCGA § 43-18-71(b).
 - (ff) Ensure that the Board is notified within 15 days prior to a change of ownership in the establishment, as required by OCGA § 43-18-73(b).
 - (gg) Ensure that the Board is notified within 5 days of the destruction of the establishment by fire, flood, or other natural cause, in accordance with OCGA § 43-18-78. If the establishment wishes to operate from a temporary location, the FDFCC must ensure that a letter requesting a 90-day grace period is submitted to the Board. The FDFCC will be responsible to update the Board within 90 days on the status of rebuilding efforts and to request subsequent 90-day grace periods if necessary to continue operating from the temporary site approved by the Board.
 - (hh) Ensure that the establishment is made available for inspection by representatives of the Professional Licensing Boards Division, as required by OCGA § 43-18-75(a)& Rule 250-6-.06.
 - (ii) Ensure that violations found by inspectors are corrected promptly and fines levied resulting from violations are paid or appealed to the Board in writing within 30 days as stated on the citation report.
 - (jj) Ensure that cremated remains are disposed of in accordance with the provisions of OCGA § 43-18-80.
 - (kk) Notify the Board within 5 days of an inspection by the manufacturer or authorized crematory repair company indicating less than satisfactory results, and ensure that necessary repairs are made immediately, not to exceed 30 days without approval by the Board.
 - (ll) Ensure that any employee who operates a cremation device is certified as a crematory operator from a course approved by the Board prior to operating such cremation device.
- (2) Revocation of funeral director in full and continuous charge appointment may be considered for any funeral establishment violation(s), especially repeat and/or habitual violations.

Authority: O.C.G.A. §§ 43-18-71(a)(1)