

BOARDS AND COMMISSIONS
Board of Embalmers and Funeral Directors
(Amendment)

201 KAR 15:010. Definitions.

RELATES TO: KRS ~~Chapter 316~~[~~316.030(6)(c), (7), 316.150(3)(b), (c)~~]

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation defines terms used in 201 KAR Chapter 15[~~KRS 316.030 and 316.150~~].

Section 1. Definitions. (1) "Chapel" means an area where a family and the public may pay their respects to a deceased human being, or an area where funerals or memorial services can be held, and which is a separate and distinct area from the preparation room.

(2) "Direct Supervision" of an apprentice means that a Kentucky-licensed funeral director or a Kentucky-licensed embalmer, as appropriate, is:

(a) Physically present with the apprentice, and;

(b) Personally observing and guiding the activities of the apprentice.

(3) "Establishment Manager" as required by KRS 316.125(4), shall be a Kentucky-licensed embalmer or a Kentucky-licensed funeral director, who spends at least seventy five (75) percent of his or her professional time during regular business hours in the establishment for which he or she is designated as the Establishment Manager, or actively performing funeral directing or embalming services originating in, or based in, the establishment as defined in KRS 316.010 and these administrative regulations.

(4) "Full time" for an apprentice means at least forty (40) hours per week under the personal supervision of a licensed embalmer or licensed funeral director and shall not include time spent "on call".

(5)[~~Section 2.~~] "Operating a funeral establishment" means the management of a funeral establishment including the daily activities of funeral directing, embalming, bookkeeping, and supervision of employees.

(6) "Preparation room" means an area with a minimum of 100 square feet, which is used exclusively to prepare dead human bodies for final disposition if arterial or cavity injection is a function of the establishment, and which is separate and distinct from the viewing area, chapel, or any other part of the establishment.

(7) "Supervisor" of an apprentice means the supervisor of record.

(8) "Supervisor's designee" means a Kentucky-licensed funeral director or a Kentucky-licensed embalmer, as appropriate, who has been approved by the supervisor of record to supervise an apprentice.

(9) "Viewing area" means an area in which a family and the public may pay their respects to a deceased human being.

HAROLD E. CORDER, II, Board Chair

APPROVED BY AGENCY: June 13, 2019

FILED WITH LRC: June 14, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on July 22, 2019 at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is

open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on July 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: David Trimble, Board Counsel, 911 Leawood Drive, Frankfort, Kentucky 40601, phone (502) 782-8823, fax (502) 564-3969, email davidc.trimble@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: David Trimble

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation provides definitions of terms for the regulations chapter 201 KAR Chapter 15

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that the particular meaning intended by the Board for the defined terms is consistent across its regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 316 authorizes the Board to issue regulations governing specific licensure and establishment operations. Definitions of specific terms are necessary to ensure consistent terminology across administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Definitions of specific terms are necessary to such regulations so that members of the board and consumers are able to understand the meaning of terms used.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment reorganizes definitions from throughout the regulations chapter, and adds new terms created by other administrative regulation amendments.

(b) The necessity of the amendment to this administrative regulation: The amendment brings all definitions from the chapter into one Section, and adds new terms created in other regulation amendments.

(c) How the amendment conforms to the content of the authorizing statutes: KRS Chapter 316 authorizes the Board to issue regulations governing specific licensure and establishment operations. Definitions of specific terms are necessary to such regulations.

(d) How the amendment will assist in the effective administration of the statutes: Definitions of specific terms are necessary to such regulations so that users of the regulation understand its meaning.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Board licenses over 500 funeral establishments, and several thousand individual embalmers and funeral directors.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: There are no specific compliance requirements for definitions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No additional cost.

(c) As a result of compliance, what benefits will accrue to the entities: Clearer understanding of terms used in regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost to the board to implement this administrative regulation.

(b) On a continuing basis: There is no cost to the board to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of

this administrative regulation: No funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary for the implementation and enforcement of this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees directly or indirectly.

(9) TIERING: Is tiering applied? No tiering is applied because the definitions established in this administrative regulation apply equally to all persons.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Embalmers and Funeral Directors will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 316 authorizes this Board to promulgate regulations for administration and regulation of embalmers and funeral directors, and funeral establishments.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for the state or local government.

(c) How much will it cost to administer this program for the first year? There is no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There is no cost to administer this program for the subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.