

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

**201 KAR 15:030. Fees.**

RELATES TO: KRS 316.125(2)(a), 316.130(2), (4), (5), 316.132, 316.140(2)

STATUTORY AUTHORITY: KRS 316.125(2)(a), 316.130(2), (4), (5), 316.132, 316.140(2), 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.125(2)(a), 316.130(2), (4), and (5), 316.132, 316.140(2), and 316.210(1) require the board to set out in administrative regulations certain fees. This administrative regulation establishes these fees.

Section 1. The funeral establishment license fee shall be \$200 [~~\$150~~]. The renewal fee for a funeral establishment license shall be \$200.

Section 2. The embalmer's license renewal fee shall be \$100 [~~seventy-five (75) dollars~~].

Section 3. The funeral director's license renewal fee shall be \$100 [~~seventy-five (75) dollars~~].

Section 4. The late fee for a funeral establishment license renewal shall be \$200 [~~\$150~~].

Section 5. The late fee for an embalmer's license renewal or a funeral director's license renewal shall be \$100 [~~seventy-five (75) dollars~~].

Section 6. The fee for an annual courtesy card shall be \$100 [~~seventy-five (75)~~] dollars.

Section 7. The fee for processing an application for a continuing education program shall be \$150 per program; for programs included in a conference or convention setting, the total fee shall not exceed \$600.

Section 8. (1) A processing fee of twenty-five (25) dollars shall apply to all document actions not covered by other fees established by KRS Chapter 316 or this administrative regulation such as national exam score requests, out-of-state verifications, official name change requests, paper submissions of any documents or applications that are available to submit electronically, and revisions to wall licensure.

(2) A fee of sixty (60) dollars shall be assessed for any payment made to the Board pursuant to KRS Chapter 316 or these administrative regulations, where the check, draft, money order or other financial instrument is returned by the payor's bank or financial institution for insufficient funds, or cannot otherwise be deposited into the board's account.

~~Section 9. [The registration fee for funeral director apprenticeship is established in KRS 316.030(7).]~~

~~Section 10. The registration fee for embalmer apprenticeship is established in KRS 316.030(7).~~

~~Section 11. The registration fee for Level II funeral director registration shall be fifty (50) dollars.~~

Section ~~10~~[42]. The registration fee for Level II embalmer registration shall be fifty (50) dollars.~~[Section 13. The examination fee for initial licensure as an embalmer is established in KRS 316.030(4)(g).~~

~~Section 14. The examination fee for initial licensure as a funeral director is established in KRS 316.030(5)(f).~~

Section ~~11~~[45]. All fees assessed under this administrative regulation shall be nonrefundable.

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 C. Trimble, General 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 C. Trimble

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes fees to be charged for various Board functions.

(b) The necessity of this administrative regulation: Activities of this Board are covered by licensee fees; no general fund dollars are appropriated.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The fees listed in this regulation are set or limited in the statute, and this amended regulation conforms to those limits.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Activities of this Board are covered by licensee fees; no general fund dollars are appropriated.

(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: The amendment makes minor increases to various fees, commensurate with increased operating costs.

(b) The necessity of the amendment to this administrative regulation: The amendment makes minor increases to various fees, commensurate with increased operating costs. Man-

agement changes and new personnel at the board uncovered severe deficiencies and the need for funds to address items such as updating equipment, establishing connections to state networks, and proper recordkeeping.

(c) How the amendment conforms to the content of the authorizing statutes: The fees listed in this regulation are set or limited in the statute, and the regulation conforms to those limits.

(d) How the amendment will assist in the effective administration of the statutes: This amendment updates fees within the parameters established by statute in order to address severe operational deficiencies and financial shortfalls discovered by new management and staff. The updated fees will improve operations and the board staff's ability to serve the licensees and the board members efficiently and effectively with updated equipment.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This Board licenses over 500 funeral establishments and approximately 2,000 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: Regulated entities will have to pay slightly higher fees for things such as license renewal.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: The exact cost of compliance with this administrative regulation will vary with the number of licensees and activities in which a regulated entity is engaged. Individual licensee fees are \$100 and establishment license fees are \$200. Additional fees outlined address matters such as late payments and education course approvals.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, licensees will enjoy the continued and more efficient operation of this licensure board, including enhanced communication and responsiveness.

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

(a) Initially: There will be minimal implementation costs for the board to update forms and processes.

(b) On a continuing basis: No ongoing costs are anticipated as a result of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: To the extent additional funding is needed for implementation, funds will come from licensure fees.

(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: This amendment increases fees to address severe operational deficiencies and financial shortfalls of the board discovered by new management and staff. The updated fees will improve operations and the board staff's ability to serve the licensees and the board members efficiently and effectively with updated equipment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment increases fees across the board to address severe operational deficiencies and financial shortfalls of the board discovered by new management and staff. The updated fees will improve operations and the board staff's ability to serve the licensees and the board members efficiently and effectively with updated equipment.

(9) TIERING: Is tiering applied? No tiering is applied. Fees apply to all licensees.

## 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.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 316.125(2)(a), 316.130(2), (4), and (5), 316.132, 316.140(2), and 316.210(1)

(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 amendment should generate an additional \$20,000 to the Board over the fiscal year. The amendment 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 amendment should consistently generate an additional \$20,000 to the Board per fiscal year. The amendment will not generate revenue for the state or local government.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated to administer this program for subsequent years.

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

Revenues (+/-): + \$20,000 per year

Expenditures (+/-): Neutral

Other Explanation: Increased revenue from fees will help this Board to continue and improve operations.