

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

201 KAR 15:040. Examination.

RELATES TO: KRS 316.030 ~~4(h), 5(g)~~~~(3)(h), (4)(g)~~

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.030 ~~(4)(h) and (5)(g)~~~~(3)(h), (4)(g)~~ require an applicant for an embalmer's license or a funeral director's license to pass an examination~~examinations~~ prepared or approved by the board. ~~[The function of]~~This administrative regulation establishes the administration~~is to establish the procedure~~, content, and evaluation~~time~~ of examinations by the board.

Section 1. Exam administration.~~[Content of Examination.]~~ (1) The board shall administer examinations for funeral director and embalmer licenses at the regular meetings~~[The examination for a license to practice embalming and the examination for a license to practice funeral directing shall be written examinations administered by one (1) or more members]~~ of the board.

(2) An applicant seeking to take an examination administered by the board shall submit the fee required by KRS 316.030(4)(g) or (5)(f) to the board at least forty-five (45) days before the desired examination.~~[The subjects to be covered in the examination for embalmer's license shall be as follows:]~~

(a) The examination fee shall include a license in good standing for the remainder of the fiscal year if the applicant is successful in the examination.

(b) An applicant shall be entitled to only one (1) examination for each fee paid.

(3) One (1) or more members of the board shall administer the written examination for a license issued by the board.

(4) Any applicant may seek a reasonable accommodation in the manner of giving an examination by the board.

(a) Accommodations will be considered by the board on the same basis as reasonable accommodations that may be available under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

(b) Any applicant who takes an examination with a reasonable accommodation must still perform the essential functions of taking the examination and meet the normal performance requirements for passage.

(5) At the discretion of the board, examinations may be held at other times, if necessary.

Section 2. Content of Examination. (1) The examination for an embalmer's license shall include the following subjects:

- (a) Embalming;
- (b) Anatomy;
- (c) Microbiology;
- (d) Pathology;
- (e) Chemistry;
- (f) Restorative art;
- (g) Mortuary administration and law;
- (h) Accounting;
- (i) Sociology;~~[and]~~
- (j) Psychology; ~~and~~

(k) Requirements of KRS Chapter 316 and the administrative regulations promulgated pursuant to KRS Chapter 316.

~~(2) [(3) The subjects to be covered in]~~ The examination for a funeral director's license shall include the following subjects~~[be as follows]:~~

- (a) Mortuary administration;
- (b) Ethics;
- (c) Accounting;
- (d) Sociology;
- (e) Business law;
- (f) Primary psychology;
- (g) Transportation rules;
- (h) Hygiene, sanitation, and disinfection; and
- (i) Requirements of KRS Chapter 316 and the administrative regulations promulgated pursuant to KRS Chapter 316.

~~(3) [(4)(a) The board may accept the results of the examination prepared and administered by the Conference of Funeral Service Examining Boards and the results of an oral examination on the subject of embalming administered by one (1) or more members of the board in lieu of the written examination for embalmer's license administered by the board.~~

~~(b) The applicant seeking to take an examination administered by the board shall submit the fee required by KRS 316.030(3)(g) or (4)(f) to the board at least thirty (30) days before the date of the examination. The fee shall include a license in good standing for the remainder of the fiscal year if the applicant is successful in the examination.~~

~~Section 2. Procedure for Examination. (1) Applicants shall attain a proficiency of seventy-five (75) percent on any examination to make a passing grade.~~

~~(2) All written questions for the embalmer's and funeral director's examinations are the property of the board and applicants shall return the questions to the board with their answers.~~

~~Section 3. Evaluation [Time of Examinations]. A score of seventy-five (75) percent on any examination administered by the board shall constitute a passing grade [(1) Examinations administered by the board shall normally be held for funeral director's and embalmer's licenses at the regular meeting of the board in December and June of each year.~~

~~(2) Examinations may be held at other regular or special meetings at the board's discretion.~~

~~(3) An applicant shall be entitled to only one (1) examination for each fee.]~~

Section 4. Alternative to Written Examination by the Board. An applicant who has successfully completed the examination prepared and administered by the Conference of Funeral Service Examining Boards may request exemption from the written examination. The applicant shall successfully complete an oral examination administered by one (1) or more members of the board in lieu of the written examination.

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 regulation provides the procedure for examinations required by the Board.

(b) The necessity of this administrative regulation: Licensees are required to pass certain examinations for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 316.030(4)(h), (5)(g) require an applicant for an embalmer's license or a funeral director's license to pass examinations prepared or approved by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 316.030(4)(h), (5)(g) require an applicant for an embalmer's license or a funeral director's license to pass examinations prepared or approved by the board.

(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 clarifies timing requirements associated with examinations, expands examination from twice per year to monthly, and adds provision for reasonable accommodations for examinees in taking examinations. The expanded examination opportunities will reduce burdens on would-be licensees by providing increased flexibility in examination dates.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify timing requirements associated with examinations and to add provisions for reasonable accommodations for examinees in taking examinations.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 316.030(4)(h), (5)(g) require an applicant for an embalmer's license or a funeral director's license to pass examinations prepared or approved by the board.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies timing requirements associated with examinations, expands examination from twice per year to monthly, and adds provision for reasonable accommodations for examinees in taking examinations. These changes will facilitate the process for would be licensees and the board.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 35-50 individuals per year enter apprenticeship programs and may take examinations for licensure.

(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: Applicants will need to follow all the requirements of the administrative regulation to apply for and take examinations as scheduled.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This amendment will not increased costs for regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities: Clearer understanding of timing of examinations and availability of reasonable accommodations for taking examinations.

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

(a) Initially: No costs are anticipated to implement this amendment, however there may be some costs associated with reasonable accommodations for examinations at some point.

(b) On a continuing basis: No ongoing costs are anticipated related to this amendment, however there may be some costs associated with reasonable accommodations for examinations at some point.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Licensing fees will provide funding for implementation and enforcement of this amendment.

(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 will not require an increase in fees or funding.

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

(9) TIERING: Is tiering applied? No tiering is applied because this administrative regulation applies equally to all applicants.

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 316.030(4)(h), (5)(g) require an applicant for an embalmer's license or a funeral director's license to pass examinations prepared or approved by the board.

(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? Examination fees established in this administrative regulation will generate no 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? Examination fees established in this administrative regulation will generate no revenue for the state or local government.

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

cost to administer this program for the first year; Board members are not receiving additional compensation for administering examinations.

(d) How much will it cost to administer this program for subsequent years? There is no additional cost to administer this program for the subsequent years; Board members are not receiving additional compensation for administering examinations.

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: Examination fees are established by KRS 316.030; this administrative regulation specifies how the fees are to be paid.