

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

201 KAR 15:120. Requirements for applicants holding a license in another state.

RELATES TO: KRS 316.140(1)

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.140(1) authorizes the Board of Embalmers and Funeral Directors to issue a license to an applicant that is licensed in another state and who has met the same or similar requirements for a license as the standards set out in KRS 316.030. This administrative regulation establishes the criteria for determining whether applicants who are licensed in another state qualify for a Kentucky embalmer's or a Kentucky funeral director's license.

Section 1. (1) The board shall accept an applicant licensed in another state as eligible to apply for an embalmer's license who has:

(a) A diploma from a school of mortuary science that is accredited by the American Board of Funeral Service Education or its predecessor; and

(b) Either:

1. Thirty (30) semester or forty-five (45) quarter hours of college credit from an accredited college or university as shown on an official transcript, or

2. Engaged in the fulltime practice of embalming under licensure for ten (10) of the twelve (12) years immediately preceding the date of the application as demonstrated by the submission of W-2 forms or an affidavit from two (2) licensed embalmers or funeral directors in his state of original licensure which verify that he has been so engaged in practice full time.

(2) An applicant from another state shall:

(a) Submit a copy of his or her current license from the state in which he is licensed;

(b) Pass the current Kentucky examination or examinations for a funeral director license or embalmer license or both, as applicable;

(c) Submit a recently-completed (within the preceding ninety (90) days) criminal justice information system (CJIS) report obtained by the applicant from the Federal Bureau of Investigation (FBI);

(d) Inform the board of any disciplinary actions in states where he or she held a license; and

(e)[(e)] Pay the examination fee and the fees required by 201 KAR 15:030.

HAROLD E. CORDER, 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 notifi-

cation 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 502-564-3609, 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 for reciprocal licensure for out-of-state license holders.

(b) The necessity of this administrative regulation: The regulation allows qualified license holders to obtain a Kentucky license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The statute authorizes the Board to set requirements for various forms of licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation allows qualified license holders to obtain a Kentucky license.

(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 adds the requirement of an FBI criminal background check to the process.

(b) The necessity of the amendment to this administrative regulation: The board has determined that a criminal background check is a necessary item of due diligence before providing Kentucky licensure.

(c) How the amendment conforms to the content of the authorizing statutes: The statute authorizes the Board to set requirements for various forms of licensure.

(d) How the amendment will assist in the effective administration of the statutes: The board has determined that a criminal background check is a necessary item of due diligence before providing Kentucky licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Board provides less than ten (10) reciprocal licenses in a calendar year.

(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: Request, obtain, and submit an FBI criminal background check; these can be obtained on line for less than \$20.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Request, obtain, and submit an FBI criminal background check; these can be obtained on line for less than \$20.

(c) As a result of compliance, what benefits will accrue to the entities: Applicants will obtain a Kentucky license.

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

(a) Initially: Applicants will obtain a Kentucky license.

(b) On a continuing basis: Applicants will obtain a Kentucky license.

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

this administrative regulation: Application 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: No increase should be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No.

(9) TIERING: Is tiering applied? No tiering is applied.

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? None.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. None.

(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? Application fees for reciprocal licenses; less than \$2,500 per year.

(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? None.

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

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

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

Revenues (+/-): None

Expenditures (+/-): None

Other Explanation: None