

**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) and (b) require the board to issue an appropriate establishment license to an applicant who meets the statutory requirements. KRS 316.130(2), (4), and (5) establish the renewal and continuing education requirements for licensure. KRS 316.132 establishes the requirements for continuing education courses, board approval of continuing education courses, and certification for attendance thereof. KRS 316.140(2) establishes the requirements for a person holding an embalmer's or funeral director's license issued in another state or federal district to obtain a courtesy card. KRS 316.210(1) authorizes the board to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316, and 316.210(6) requires the board to promulgate administrative regulations to establish fees authorized by KRS Chapter 316. This administrative regulation establishes the fees authorized by KRS Chapter 316~~[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.

- (1) The funeral establishment license fee shall be ~~\$500~~\$200.
- (2) The renewal fee for a funeral establishment license shall be ~~\$500~~\$200.
- (3) The late fee for a funeral establishment license renewal shall be \$500.

Section 2. Individual License Fees.

- (1) The embalmer's license renewal fee shall be \$100.
- (2)

~~[Section 3.]~~ The funeral director's license renewal fee shall be \$100.

- (3)

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

~~[Section 5.]~~ The late fee for an embalmer's license renewal or a funeral director's license renewal shall be \$100.

Section 3. ~~[Section 6.]~~ The fee for an annual courtesy card shall be \$100 dollars.

Section 4. Apprenticeship Fees.

- (1) The registration fee for an embalmer apprenticeship shall be \$100.
- (2) The registration fee for a funeral directors apprenticeship shall be \$100.
- (3) The reinstatement fee for an apprenticeship shall be fifty dollars (\$50) per license.
- (4)

~~[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 Level II funeral director registration shall be fifty (50) dollars.

~~(5)~~

~~[Section 10.]~~ The registration fee for Level II embalmer registration shall be fifty (50) dollars.

~~(6) The licensure exam fee shall be \$100 per license.~~

#### Section 5. Surface Transportation Fees.

~~(1) The surface transportation license fee shall be \$150.~~

~~(2) The surface transportation renewal fee shall be \$150.~~

~~(3) The surface transportation course and examination fee shall be seventy-five (75) dollars.~~

#### Section 6. Inspection Fees for Establishment.

~~(1) A routine or requested inspection shall be \$100.~~

~~(2) A re-inspection within a period of three (3) months following a routine inspection, due to a deficiency found by the Inspector of the Board of Embalmers and Funeral Directors of the Commonwealth of Kentucky on a routine inspection shall be \$200.~~

~~(3) If an establishment fails three (3) consecutive inspections within a period of six (6) months, any subsequent inspections required to determine if the failures have been cured shall be \$300 for each subsequent inspection.~~

~~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. Processing and NSF.

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

(BEFD-Rule 17; 1 Ky.R. 1013; eff. 6-11-1975; Am. 20 Ky.R. 831; eff. 12-6-1993; 22 Ky.R. 2318; eff. 8-1-1996; 25 Ky.R. 592; 1030; eff. 11-13-1998; 26 Ky.R. 1853; eff. 6-12-2000; 34 Ky.R. 1527; eff. 3-7-2008; 44 Ky.R. 117, 911; eff. 12-1-2017; 46 Ky.R. 91, 1094; eff. 11-1-2019; 48 Ky.R. 2836; eff. 11-1-2022.)

*KANETHA DORSEY, Executive Director*

APPROVED BY AGENCY: February 24, 2022

FILED WITH LRC: April 7, 2022 at 2:30 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on May 24, 2022 at 1:00p.m, Via ZOOM. 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 was received by that date, the hearing may be cancelled. A transcript of this 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 until May 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Kanetha Dorsey, Executive Director of Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Road, Suite 4, Louisville, Kentucky 40222, phone 502-426-4589, fax 502-426-4117, email [Kanetha.dorsey@ky.gov](mailto:Kanetha.dorsey@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Kanetha Dorsey**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

Describe all fees for services provided by the Board of Embalmers and Funeral Directors.

**(b) The necessity of this administrative regulation:**

This regulation informs potential license holders and providers of fees required for each service or license provided.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This regulation describes all fees as required by HB 220

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation support all other regulations and statutes by setting the fees associated by each statute or regulation

**(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:**

All the fees will be located in one regulation

**(b) The necessity of the amendment to this administrative regulation:**

HB220 removed fees from statutes placing them in administrative regulations. The bill went into effect 6/29/21.

**(c) How the amendment conforms to the content of the authorizing statutes:**

This administrative regulation brings all the fees into one regulation as required by HB 220.

**(d) How the amendment will assist in the effective administration of the statutes:**

This brings all the fees related to funeral services under one regulation for ease of access for end users. In recent years KBEPD has run a deficit averaging \$100k seeking the state's assistance to complete the fiscal year. It is the Board's desire to be fiscally responsible and independent.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

There are currently five hundred eleven (510) funeral related establishments in Kentucky. 3000 License holders (funeral director and/or embalmer), 300 Apprentices, 150 Surface Transport License Holders, 180 Courtesy Card holders, 100 CEU programs per year.

**(4) Provide an analysis of how the entities identified in question (3) 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 that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

Fees paid for application, licensure, examination would be submitted electronically or mailed to the office.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

Apprentice Registration \$100 per type, Apprentice reinstatement fee \$50, Level II Apprenticeship Registration \$50 per type, License Examination \$100 per license, Establishment licensure or renewal \$500, Establishment Late Fee \$500, Individual Licensure \$100 per type, Individual Late Fee \$100 per type, Surface Transport License and renewal \$150, Surface Transport Class and Examination \$75, Routine Inspection Fee \$100, Re-inspection fee \$200, Re-Inspection after 3 re-inspections \$300, Courtesy Card \$100, Continuing Education Processing \$150 (not to exceed \$600 for conferences), Processing fee \$25, Insufficient Funds Assessment \$60

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Funeral Directors, Embalmers, Surface Transporters, CEU providers are able utilize their license or program for a period of one year for establishments. Apprentice applications will be processed and presented to the board for consideration to begin their apprenticeship. Examination applicants will be able to sit for licensure.

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

**(a) Initially:**

No additional cost

**(b) On a continuing basis:**

No additional cost

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

No special or additional funding will be required for implementation or enforcement.

**(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:**

These fees are not necessary to implement the regulation and continue to pay for supplies and tools to provide for oversight

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:**

This regulation does increase fees for apprenticeship

**(9) TIERING: Is tiering applied?**

No

## 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?**

Funeral Directors, Embalmers; Funeral Establishments and Embalming Services; Funeral Apprentices; Surface Transporters

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KAR 201 15:030, KRS 316.030(4)(g), KRS 316.030(5)(f), KRS 316.125(2)(a), KAR 201 15:040 Section 1(1), KAR 201 15:040 Section 3(3), KAR 201 15:040 Section 4(1), KAR 201 15:050 Section 4(5), KAR 201 15:110 Section 5(5)b, KAR 201 15:110 Section 5(5)c, KAR 201 15:110 Section 5(5)d, KAR 201 15:110 Section 5(5)e, KAR 201 15:125 Section 1(2)(b), KAR 201 15:125 Section 2(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.**

**(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?**

FD Apprentice - 175 Licenses, \$100 Fee, Income: \$17,500; E Apprentice - 130 Licenses, \$100 Fee, Income: \$13,000; Establishments - 510 Licenses, \$500 Fee, Income: \$255,000; New Establishments - 10 Licenses, \$500 Fee, Income: \$5,000; Funeral Director Only Renewals - 750 Licenses, \$100 Fee, Income: \$75,000; Embalmer Only Renewals - 5 Licenses, \$100 Fee, Income: \$500; Funeral Director and Embalmer Renewals - 1150 Licenses, \$100/per Fee, Income: \$230,000; Examinations - 200 Licenses, \$100 Fee, Income: \$20,000; Courtesy Card- 5 Licenses, \$100 Fee, Income: \$500; Courtesy Card Renewal - 55 Licenses, \$100 Fee, Income: \$5,500; Continuing Education - 100 Licenses, \$150 Fee, Income: \$15,000.

**(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?**

Roughly the same as above.

**(c) How much will it cost to administer this program for the first year?**

No additional cost to the agency.

**(d) How much will it cost to administer this program for subsequent years?**

No additional cost to the agency.

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

**Revenues (+/-):PROPOSED: Establishments - 510 Licenses \$500 Fee, Income: \$255,000; FD Apprentice - 275 Licenses \$100 Fee, Income: \$27,500; E Apprentice - 150 Licenses \$100 Fee, Income: \$15,00. EXISTING: Establishments - 510 KBEFD Facilities, \$200 Fee, Income: \$102,000; FD Apprentice - 275 KBEFD Facilities, \$50 Fee, Income: \$13,750; E Apprentice - 150 KBEFD Facilities, \$50 Fee, \$7,500. Expenditures: None**

**Expenditures (+/-):No answer provided.**

**Other Explanation:**

None