

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 316.140, 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 or funeral director'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 or funeral directing 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 verification from the state in which he is licensed;

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

(c) Submit a recently~~ly~~ completed (within the preceding ninety (90) days) national criminal justice information system (CJIS) report obtained by the applicant from ~~the Federal Bureau of Investigation (FBI)~~ an agency approved by the Kentucky Board of Embalmers and Funeral Directors;

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

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

Section 2. Incorporation by Reference.

(1) "Application for Licensure", 6/2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Embalmers and Funeral Directors, 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. Materials incorporated by reference can also be found on the Kentucky Board of Embalmers and Funeral Directors Web site at: <https://kbefd.ky.gov/Pages/forms.aspx>.

KANETHA DORSEY, Executive Director

JONATHAN RIDEOUT, Chairman

APPROVED BY AGENCY: May 14, 2024

FILED WITH LRC: August 15, 2024 at 12:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 24, 2024 at 9:00 a.m., at 9114 Leesgate Rd, Ste 4, Louisville, Kentucky 40222. 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 October 31, 2024. 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kanetha Dorsey

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation describes the procedure to obtain a funeral director and/or embalmer license when already licensed by another state who has met the same or similar requirements for licensure as Kentucky.

(b) The necessity of this administrative regulation:

This administrative regulation sets out the steps to become licensed by the Commonwealth of Kentucky after licensure by another state.

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

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

This administrative regulation provides the procedure for obtaining funeral director and/or embalmer licensure by an applicant who is licensed in another state per KRS 3316.140 and KRS 316.210.

(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 changes the strict FBI check policy, which has been hard for applicants to obtain in some areas. The requirement for a criminal background check is still expected however, the board will be able to accept reports from other entities.

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

The FBI report requirement has postponed several applicants since it's inception and the various changes to the process for obtaining an FBI report have created a hardship for establishments. This amendment seeks to aid applicants in obtaining an appropriate national criminal background report by accepting the report from entities other than directly from the FBI.

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

This amendment seeks to allow the applicant from another State to apply and send their application with a national criminal justice information system report obtained by an entity other directly from the FBI.

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

This amendment will allow for more timely processing of applications due to obtaining the national criminal background check faster.

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

There are currently 510 funeral service establishments in Kentucky. Reciprocal Applicants 10-20/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:

Applicants will not have to wait months in some cases to sit for their examination due to wait times and issues with fingerprints; more options will be available to applicants to obtain their national criminal justice information system report.

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

This administrative regulation does not specifically increase fees, and should not affect other entities.

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

Applicants will be able to sit for examinations sooner due to decreased wait for criminal background check from FBI no longer being an issues.

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

(a) Initially:

No initial cost

(b) On a continuing basis:

No additional cost on an ongoing basis

(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:

Additional fees are not necessary to implement the amendment

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not increase fees for any applicant.

(9) TIERING: Is tiering applied?

No

FISCAL IMPACT STATEMENT

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

KRS 316.010, KRS 316.030, KRS 316.140

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Board of Embalmers and Funeral Directors

(a) Estimate the following for the first year:

Expenditures:None anticipated.

Revenues:None anticipated.

Cost Savings:None anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None known to be affected by this regulation.

(a) Estimate the following for the first year:

Expenditures:None anticipated.

Revenues:None anticipated.

Cost Savings:None anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No change is anticipated for subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

None are known or anticipated

(a) Estimate the following for the first year:

Expenditures:No changes to this item are anticipated.

Revenues:No changes to this item are anticipated.

Cost Savings:No changes to this item are anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No changes are known or anticipated.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This regulation has no change in fees and does make it less strenuous to complete the background process.

(b) Methodology and resources used to determine the fiscal impact:

The budget request report and profession history were used to determine the fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This regulation will not have an overall negative or adverse major economic impact. This regulation makes no changes to the fee structure and make ease the financial burden of application.

(b) The methodology and resources used to reach this conclusion:

The budget request report and regulation were used to reach this conclusion.