



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Funeral Service Examiners TITLE-SERIES: 6-07
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 6-07 Fee Schedule

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: § 30-1-6 et. seq.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Fees are scattered throughout Series 1 Rule. This Rule moves all fees from Series 1 Rule to the new Series 7 Rule. Only fee changes are a reduction from \$ 200.00 to \$ 50.00 for an inactive license, increase delinquent check fee from \$ 15.00 to \$ 25.00 and add a change of Licensee-in-Charge fee of \$ 25.00.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/22/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/24/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Mailed postcard to all active licensees and inactive licensees and posted on the board's web page

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This Rule moves all fees from the Series 1 Rule to the new Series 7 Rule, except the 5th year of an apprentice license. An apprentice in their 5th year only pay \$ 100.00 for a one (1) year license. If they request and are given a 6th year to complete their apprenticeship, they have to pay the remaining \$ 75.00.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Allow licensees to find fees without having to search throughout the Series 1 Rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No impact on state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

This does not add or subtract for the amount of monies collected by the Board.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

No impact on the state or its residents

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There should not be any fiscal impact.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Grady M Bowyer -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

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TITLE 6
LEGISLATIVE RULE
WV BOARD OF FUNERAL SERVICE EXAMINERS

SERIES 7
FEE SCHEDULE

§ 6-7-1. General.

1.1. Scope. - This Rule establishes a schedule for all fees paid to the West Virginia Board of Funeral Service Examiners for initial licensure for funeral service licensees, apprentice registration, crematory operators, courtesy card registration, funeral homes and crematories. All renewal fees, inspection fees, continuing education providers registration and program fees and other miscellaneous fees due the West Virginia Board of Funeral Service Examiners are also in this Rule. All fees are non-refundable.

1.2. Authority. - WV Code § 30-1-6 et. seq.

1.3. Filing Date. -

1.4. Effective Date. -

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of ten (10) years from the filing date

§ 6-7-2. Definitions.

2.1. "Apprentice" means a person registered under the provisions of 6CSR1 who is working as a funeral service licensee under the direct supervision of a licensed funeral service licensee.

2.2. "Basic services fee" means charges for the services of the funeral director and staff for completing the following tasks: conducting of the arrangements conference, securing of necessary permits, preparation of notices, sheltering of human remains, coordination of arrangements with the cemetery, crematory, retail sellers, or other third party. The basic services fee may include overhead costs, such as parking lot and other common areas, insurance, staff, taxes, and other fees the funeral establishment pays.

2.3. "Board" means the WV Board of Funeral Service Examiners.

2.4. "Branch funeral establishment" means a funeral establishment which is owned one hundred percent by, operated by, is a subsidiary of, or otherwise financially connected or controlled by a licensed main funeral establishment. If the preparation of dead human bodies by embalming is done at the main establishment and the main establishment is within 60 miles of the branch facility, then the equipment for the preparation of dead human bodies is not required at the branch facility.

2.5. "Crematory operator" means a person certified by the board to operate a crematory.

2.6. "Courtesy Card" holder means a person from another state who may conduct funerals, prepare death certificates, and bury a dead human body for an out-of-state funeral establishment, within the boundaries of the state of West Virginia.

2.7. "Funeral Establishment" means a place of business maintained and operated and devoted to such activities that are incident, convenient, or related to the preparation and arrangements, financial or otherwise, for the embalming, funeral, transportation, burial or other disposition of dead human bodies.

2.8. "Funeral home," "funeral chapel," "funeral services," or "funeral parlor" means a funeral establishment which offers funeral services and preparation for the disposition of dead human bodies. Funeral homes in existence prior to the effective date of this rule, which use the term "mortuary" in the business name, may continue to do so.

2.9. "Funeral service licensee" means a person who has met the requirements to be a funeral director and an embalmer. Upon the effective date of this rule, where ever the terms which refer to the act of being a funeral director and an embalmer are used, the term "funeral service license" or "funeral service licensee" shall apply. Where ever the term "embalmer" is used, the term "funeral service licensee" shall apply. Where ever the term "funeral director" is used, the term "funeral service licensee" shall also apply but not replace the term "funeral director."

2.10. "Inactive Licensee" means an individual not actively practicing in the funeral service profession and are exempt from obtaining continuing education. The individual must renew their inactive status biennially to maintain an inactive status.

2.11. "Licensee" means a person who holds a an embalmer's license, a funeral director's license, or a funeral establishment license issued by this Board.

2.12. "Main funeral establishment" means a primary funeral establishment.

2.13. "Mortuary service" means a funeral establishment devoted strictly to the preparation and embalming of dead human bodies, and may also include the financial arrangements for the embalming of dead human bodies. A trade service or mortuary service may not offer to the public funeral services under any circumstance.

2.14. "Registrant" means a person who holds a certificate of registration for apprenticeship or a courtesy card issued by this Board.

§ 6-7-3. Application

This rule applies to all funeral service licensees, crematory operators, courtesy cards, apprentice, main and branch funeral homes and crematories

§ 6-7-4. Fee schedule

The following fees are for the initial license / registrant fees and are non-refundable.

4.1. All fees are for a two (2) year license and are non-refundable.

4.1.1. Main funeral home - the initial license fee is five hundred dollars (\$500.00).

4.1.2. Branch funeral home - the initial license fee is three hundred fifty dollars (\$350.00).

4.1.3. Crematory - the initial license fee is three hundred fifty dollars (\$350.00).

4.1.4. Funeral Services Licensee - the initial license fee is one hundred sixty dollars (\$160.00).

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4.1.5. Apprentice - the initial license fee is one hundred seventy-five dollars (\$175.00).

4.1.6. Crematory Operator - the initial license fee is one hundred twenty dollars (\$120.00).

4.1.7. Courtesy Card - the initial license fee is three hundred dollars (\$300.00).

4.1.8. Mortuary Service - the initial license fee is four hundred dollars (\$400.00).

4.2. The following fees are for biennial renewal fees and are non-refundable.

4.2.1. Main funeral home - the biennial renewal fee is four hundred dollars (\$400.00).

4.2.2. Branch funeral home - the biennial renewal fee is three hundred fifty dollars (\$350.00).

4.2.3. Crematory - the biennial renewal fee is three hundred fifty dollars (\$ 350.00).

4.2.4. Funeral Services Licensee - the biennial renewal fee is two hundred dollars (\$200.00).

4.2.5. Apprentice - the biennial renewal fee is one hundred seventy five dollars (\$175.00).

4.2.6. Crematory Operator - the biennial renewal fee is one hundred twenty dollars (\$120.00).

4.2.7. Courtesy Card - the biennial renewal fee is three hundred dollars (\$300.00).

4.2.8. Mortuary Services - the biennial renewal fee is four hundred dollars (\$400.00).

4.2.9. Delinquent fee after on or after July 1 of the renewal year - one hundred fifty dollars (\$150.00) plus the renewal fee.

§ 6-7-5. INSPECTIONS

This section establishes the fees for re-inspections of facilities.

5.1. Out of compliance inspection fee is two hundred fifty dollars (\$250.00)

5.2. Missed appointment inspection fee - first occurrence is two hundred fifty dollars (\$250.00).

5.3. Missed appointment inspection fee - subsequent occurrences is three hundred dollars (\$300.00).

5.4. Facility after undergoing renovations is two hundred fifty dollars (\$250.00).

5.5. Newly constructed or purchased by new owner is two hundred fifty dollars (\$250.00).

5.6. Fails to renew license before reinstatement is three hundred dollars (\$300.00).

§ 6-7-6. OTHER FEES

6.1. Returned check fee is twenty five dollars (\$25.00).

6.2. Inactive license fee is fifty dollars (\$50.00).

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- 6.3. Reactivation of Inactive License is ten dollars (\$10.00) plus biennial renewal fee
- 6.4. State Law Examination is two hundred fifty dollars (\$250.00).
- 6.5. Law Examination Study packet is seventy-five dollars (\$75.00)
- 6.6. Apprentice Handbook Replacement is seventy five dollars (\$75.00).
- 6.7. Continuing Education Provided Annual Fee is one hundred fifty dollars (\$150.00).
- 6.8. Reinstatement of Crematory training provider after revocation is two hundred dollars (\$200.00)
- 6.9. Re-issuance of license, registration or courtesy card is twenty-five dollars (\$25.00).
- 6.10. Reciprocal license background check is twenty-five dollars (\$25.00).
- 6.11. CE program within forty-five (45) days of presentation is fifty dollars (\$50.00).
- 6.12. Per page copying plus shipping / handling of documents (FOIA) is twenty-five cents (\$0.25).
- 6.13. Change of License-in-charge or Operator-in-Charge is twenty-five dollars (\$25.00).