



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: Yes Repeal of existing rule: No
RULE NAME: 6-07 Fee Schedule

PRIMARY CONTACT

NAME: WV Board of Funeral Service Examiners
ADDRESS: 179 Summers Street
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Charleston, WV 25301
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CITE STATUTORY AUTHORITY: § 30-6-1 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:

Add fee for initial and renewal for Funeral Director Only and adds late fee to reinstatement fee.

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: 6/27/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2022

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

(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?

Posted Rule on board's web page and mailed postcards to all licensees.

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

HB 4647 passed the 2022 legislative session and signed by the Governor created the Funeral Director Only license. This rule sets the initial and renewal fee for this license. Also, adds the late fee to the reinstatement fee.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Chapter 30-6-6(a)9 states "Setting the fees charged under the provisions of this article"

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 economic impact on the revenue of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The impact will depend on the number of individuals applying for this license.

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

No impact on the state or residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 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):

Impossible to estimate - will depend on the number of individuals that seek this license. The office has received several inquires as to when this will take effect.

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.

6CSR7

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. - ~~March 31, 2022~~

1.4. Effective Date. - ~~April 1, 2022~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration from August 1, ~~2026~~ 2033.

§ 6-7-2. Definitions.

~~2.1.~~ 2.1. “Crematory Operator” means a person certified by the board to operate crematory.

~~2.1:~~ 2.2. “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 or for a person registered as a funeral director only under the general supervision of a licensed funeral service licensee.

~~2.2:~~ 2.3. “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:~~ 2.4. “Board” means the WV Board of Funeral Service Examiners.

~~2.4:~~ 2.5. “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:~~ 2.6. “Crematory operator” means a person certified by the board to operate a crematory.

~~2.6:~~ 2.7. “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.

~~2.8:~~ 2.8. “Funeral Director” means an individual that has completed a two (2) year apprenticeship and taken and passed the West Virginia Laws, Rules and Regulations examination and can perform all duties as a funeral service licensee except embalming. An individual licensed as a funeral director cannot be a licensee in charge of a facility.

~~2.7:~~ 2.9. “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:~~ 2.10. “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:~~ 2.11. “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:~~ 2.12. “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:~~ 2.13. “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:~~ 2.14. “Main funeral establishment” means a primary funeral establishment.

~~2.13:~~ 2.15. “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:~~ 2.16. “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, funeral directors, 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 six hundred twenty-five dollars

(\$625.00).

4.1.2. Branch funeral home - the initial license fee is four hundred forty dollars (\$440.00).

4.1.3. Crematory - the initial license fee is four hundred forty dollars (\$440.00).

~~4.1.4.~~ 4.1.4. Funeral Services Licensee - the initial license fee is two hundred dollars (\$200.00).

4.1.5. Funeral Director Only License - the initial license fee is two hundred dollars (\$200.00)

~~4.1.5.~~ 4.1.6. Apprentice - the initial license fee is two hundred twenty dollars (\$220.00).

~~4.1.6.~~ 4.1.7. Crematory Operator - the initial license fee is one hundred fifty dollars (\$150.00).

~~4.1.7.~~ 4.1.8. Courtesy Card - the initial license fee is three hundred seventy-five dollars (\$375.00).

~~4.1.8.~~ 4.1.9. Mortuary Service - the initial license fee is five hundred dollars (\$500.00).

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 five hundred dollars (\$500.00).

~~4.2.2.~~ 4.2.2. Branch funeral home - the biennial renewal fee is three hundred forty-five dollars (\$345.00).

4.2.3. Crematory - the biennial renewal fee is four hundred forty dollars (\$440.00).

~~4.2.4.~~ 4.2.4. Funeral Services Licensee - the biennial renewal fee is two hundred fifty dollars (\$250.00).

4.2.5. Funeral Director Only - the biennial renewal fee is two hundred fifty dollars (\$250.00)

~~4.2.5.~~ 4.2.6. Apprentice - the biennial renewal fee is two hundred twenty dollars (\$220.00).

~~4.2.6.~~ 4.2.7. Crematory Operator - the biennial renewal fee is one hundred fifty dollars (\$150.00).

~~4.2.7.~~ 4.2.8. Courtesy Card - the biennial renewal fee is three hundred seventy-five dollars (\$375.00).

~~4.2.8.~~ 4.2.9. Mortuary Services - the biennial renewal fee is five hundred dollars (\$500.00).

~~4.2.9.~~ 4.2.10. Late fee on or after July 1 of the renewal year - one hundred ninety dollars (\$190.00) plus the renewal fee.

~~4.2.10.~~ 4.2.11. Reinstatement fee for delinquent license after ninety (90) days - three hundred fifty dollars (\$350.00) plus the renewal fee and late fee.

§ 6-7-5. INSPECTIONS

6CSR7

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

- 5.1. Out of compliance inspection fee is three hundred fifteen dollars (\$315.00)
- 5.2. Missed appointment inspection fee - first occurrence is three hundred fifteen dollars (\$315.00).
- 5.3. Missed appointment inspection fee - subsequent occurrences is three hundred seventy-five dollars (\$375.00).
- 5.4. Facility after undergoing renovations is three hundred fifteen dollars (\$315.00).
- 5.5. Newly constructed or purchased by new owner is three hundred fifteen dollars (\$315.00).
- 5.6. Fails to renew license before reinstatement is three hundred seventy-five dollars (\$375.00).

§ 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).
- 6.3. Reactivation of Inactive License is twelve dollars (\$12.00) plus biennial renewal fee.
- 6.4. State Law Examination is three hundred fifteen dollars (\$315.00).
- 6.5. Law Examination Study packet is ninety-five dollars (\$95.00).
- 6.6. Apprentice Handbook Replacement is ninety-five dollars (\$95.00).
- 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 fifty dollars (\$250.00).
- 6.9. Re-issuance of license, pocket card, registration or courtesy card is thirty dollars (\$30.00).
- 6.10. Reciprocal license background check is thirty dollars (\$30.00).
- 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(\$0.25).
- 6.13. Change of License-in-charge or Operator-in-Charge is twenty-five dollars (\$25.00).
- 6.14. List of licensees / facilities is one hundred fifty dollars (\$150.00).
- 6.15. License Verification is thirty dollars (\$30.00).