

Department of State
Division of Publications
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For Department of State Use Only

Sequence Number: 01-02-18
 Rule ID(s): 5653-5654
 File Date (effective date): 1/3/14
 End Effective Date: 7/2/14

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Tennessee Board of Funeral Directors and Embalmers
Division:	Department of Commerce and Insurance, Division of Regulatory Boards
Contact Person:	R. Benton McDonough
Address:	Office of Legal Counsel 500 James Robertson Parkway Davy Crockett Tower Nashville, Tennessee
Zip:	37243
Phone:	615-741-8509
Email:	Benton.mcdonough@tn.gov

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

The Tennessee Board of Funeral Directors and Embalmers is required by the enactment of 2013 Public Act 437 to implement rules prior to January 1, 2014, in order to effectuate the registration of removal services under that Act. The implementation of these rules within the required time period precludes utilization of rulemaking procedures described in Tennessee Code Annotated, Title 4, Chapter 5, Part 2 for the promulgation of permanent rules.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
0660-03	Fees
Rule Number	Rule Title
0660-03-.11	Removal Service Fees

Chapter Number	Chapter Title
0660-12	Removal Services

Rule Number	Rule Title
0660-12-.01	Removal Services

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amended Rules

Chapter 0660-03-.11 Fees

Rule 0660-03 Fees is amended by adding a new section to the end of the chapter which shall read:

0660-03-.11 Removal Service Fees

- (1) An application for registration as a removal service shall be submitted on a form prescribed by the board and shall be accompanied by proof of liability insurance in the amount of one million dollars (\$1,000,000.00) and a nonrefundable fee in the amount of three hundred fifty dollars (\$350.00).
- (2) The board may renew a certificate of registration provided that an application for renewal, accompanied by proof of liability insurance in the amount of one million dollars (\$1,000,000.00) and a nonrefundable fee in the amount of two hundred fifty dollars (\$250.00), is received by the board no later than the date of expiration.

Authority: T.C.A. §§ 62-5-203 and 62-5-318

New Rules

Chapter 0660-12 Removal Service

Rule 0660-12 Removal Service

Rule 0660-12-01 Removal Service

- (1) No removal service, as defined in T.C.A. Title 62, Chapter 5, Part 1, shall operate in this state without first registering with the Funeral Board as a removal service.
- (2) An application for registration as a removal service shall be submitted on a form prescribed by the board and shall be accompanied by a nonrefundable fee as set by the board and proof of liability insurance in an amount set by the board.
- (3) The board may renew a certificate of registration provided that an application for renewal, accompanied by a nonrefundable fee set by the board and proof of liability insurance in an amount set by the board, is received by the board no later than the date of expiration.

Authority: T.C.A. §§ 62-5-203 and 62-5-318

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Wayne Hinkle	X				
Rob Helms	X				
David Neal	X				
W.T. Patterson	X				
Jane Gray Sowell	X				
Robert Starkey	X				
Anita Taylor	X				

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 1/3/2014

Signature: _____

Name of Officer: Michael D. Driver

Title of Officer: Chief Counsel, Regulatory Boards



Subscribed and sworn to before me on: 1/3/14

Notary Public Signature: _____

My commission expires on: 11/6/17

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
1/3/2014
 Date

Department of State Use Only

RECEIVED
 2014 JAN -3 PM 4:29
 OFFICE OF
 SECRETARY OF STATE

Filed with the Department of State on: 1/3/14

Effective for: 180

*days

Effective through: 7/2/14

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett
 Tre Hargett
 Secretary of State

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The emergency rules adopted by the Tennessee Board of Funeral Directors and Embalmers, specifically pertaining to removal services, will have no impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 0660-03-.11 Removal Services Fees creates a new rule that requires a removal service company to submit an initial application for a removal service registration with the funeral board accompanied by a nonrefundable fee of three hundred fifty dollars (\$350.00), and sets the renewal fee for a removal service registration at two hundred fifty dollars (\$250.00).

Rule 0660-12-.01 Removal Services creates a new rule that requires a removal service company to obtain a minimum of one million dollars (\$1,000,000.00) in liability insurance, and provide proof of such coverage prior to obtaining an initial registration and prior to renewing said registration.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tennessee Code Annotated § 62-5-203 provides that, "The board has the power to select from its members a president and to adopt, promulgate and enforce rules and regulations for the transaction of its business and the management of its affairs, the standards of service and practice to be followed in the profession of funeral directing and the betterment and promotion of the educational standards of the profession of funeral directors and embalmers in this state, as it may deem expedient, consistent with the laws of this state."

Tennessee Code Annotated § 62-5-318(a) provides that, "On or after January 1, 2014, no removal services shall operate in this state unless the removal services is registered with the board of funeral directors and embalmers. All such registrations shall expire two (2) years from the date of the registration or renewal. The board may promulgate and adopt such rules and regulations to establish adequate registration and renewal fees to cover the administrative costs associated with the registration program."

Tennessee Code Annotated § 62-5-318(b) provides that, "In conjunction with the registration fee, the registrant must provide proof of liability insurance in an amount to be determined by the board by rule."

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Those individuals who are currently operating, or plan to operate removal service companies, and do not fall under the exemptions provided in Tennessee Code Annotated § 62-5-101(10)(B), will be most directly affected by these new rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no known opinions of the Attorney General and Reporter or any judicial rulings that directly relate to the rules.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

While there will be an increase in the revenues resulting from the promulgation of these rules, the amount of revenue is expected to be minimal.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

R. Benton McDonough, Assistant General Counsel, Department of Commerce and Insurance.
Robert B. Gribble, Executive Director for the Tennessee Board of Funeral Directors and Embalmers.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

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Robert B. Gribble, Executive Director for the Tennessee Board of Funeral Directors and Embalmers.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Benton McDonough: 615-741-8509, benton.mcdonough@tn.gov
Robert Gribble: 615-741-5062, robert.gribble@tn.gov
500 James Robertson Parkway, Nashville, Tennessee 37243

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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Authority: T.C.A. §§ 62-5-203 and 62-5-318

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Wayne Hinkle	X				
Rob Helms	X				
David Neal	X				
W.T. Patterson	X				
Jane Gray Sowell	X				
Robert Starkey	X				
Anita Taylor	X				

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 1/3/2014

Signature: _____

Name of Officer: Michael D. Driver

Title of Officer: Chief Counsel, Regulatory Boards



Subscribed and sworn to before me on: 1/3/14

Notary Public Signature: _____

My commission expires on: 11/03/17

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective for: _____ *days

Effective through: _____

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Tre Hargett
Secretary of State

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