

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 08-07-14
Rule ID(s): 5783
File Date: 8/5/14
Effective Date: 11/2/14

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee State Board of Funeral Directors and Embalmers
Division:	Department of Commerce and Insurance, Regulatory Boards Division
Contact Person:	Ellery Richardson
Address:	Office of Legal Counsel 500 James Robertson Parkway Davy Crockett Tower, 5 th Floor Nashville, TN 37243
Zip:	37243
Phone:	615-741-8689
Email:	Ellery.richardson@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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/Rule Title per row)

Chapter Number	Chapter Title
0660-05	Funeral Directors and Embalmers
Rule Number	Rule Title
0660-05-.04	Military Applicant – Spouses – Expedited Licensure

Substance of Proposed Rules
Chapter 0660-05
Funeral Directors and Embalmers

New Rule

0660-05-.04 Military Applicant – Spouses – Expedited Licensure.

- (1) An applicant for registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
- (a) Be issued a license upon application and payment of all required fees if, in the opinion of the Board, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or

- (b) Be issued a temporary license if the Board determines that the applicant's application does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to - education, training, or experience, in order to meet the requirements for the application to be substantially equivalent. The Board may issue a temporary license upon application and payment of all required fees for a regular license of the same type, which shall allow the person to perform services as if fully licensed for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.
 - 1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full license shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary license and an expiration date as if the full license had been issued at that time.
 - 2. A temporary license shall be issued for a period no longer than the length of a renewal cycle for a full license of the same type.
 - 3. A temporary license shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
 - 4. Should an extension to a temporary license cause the permit to be in effect longer than the renewal cycle of a full license, then the holder of the temporary license shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full license of the same type.
- (2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any license issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such license.
- (3)
 - (a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose license expires during the period of activation shall be eligible for renewal upon the licensee being released from active duty without:
 - 1. Payment of late fees or other penalties;
 - 2. Obtaining continuing education credits when:
 - (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
 - (ii) The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
 - (b) The license shall be eligible for renewal pursuant to this paragraph (3) for six (6) months from the person's release from active duty.

- (c) Any person renewing under this paragraph (3) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any license pursuant to this subsection.

Authority: T.C.A. §§ 4-3-1304(d), 4-3-1304(e), and 4-3-1304(f).

* 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)
Robert O. Starkey, III	X				
Anita L. Taylor	X				
Wayne E. Hinkle	X				
W.T. Patterson	X				
Jane Gray Sowell	X				
David R. Neal	X				
Robert P. Helms				X	

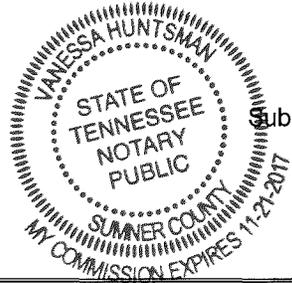
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) Tennessee State Board of Funeral Directors and Embalmers on 05/06/2014 (date), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 7-9-14

Signature: Elleery Richardson

Name of Officer: Elleery Richardson

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: July 9, 2014

Notary Public Signature: Vanessa Huntsman

My commission expires on: Nov. 21, 2017

All proposed 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

7-21-14

Date

Department of State Use Only

2014 AUG -5 PM 3:28
 OFFICE OF
 SECRETARY OF STATE

Filed with the Department of State on: 8/5/14

Effective on: 11/2/14

Tre Hargett

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;

The proposed rule is a licensing requirement that will apply to all license and registration applicants equally, if the individual applicants meet the requirements. Therefore, businesses will not have any costs associated with this rule.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

There are no projected reporting, recordkeeping, or administrative costs for small businesses associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

This rule has no projected impact on small businesses or consumers.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;

The rule will ease the burden of applying for a license or registration for those applicants who meet the requirements. There are no less burdensome, intrusive, or costly methods to achieve the purpose of the rule.

(5) A comparison of the proposed rule with any federal or state counterparts; and

There are no federal counterparts to this rule. Public Chapter 122 requires all regulatory boards to adopt rules expediting licenses for military applicants and applicants with spouses in the military. The Boards are adopting rules substantially similar to this proposed rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

This rule does not require small businesses to change their operations. Therefore, there is no need for an exemption.

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 proposed rules have no projected 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;

0660-05-.04 This rule provides a process for expedited licensure for applicants the meet the qualifications of T.C.A. § 4-3-1304(d).

- (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;

T.C.A. §§ 4-3-1304(d), 4-3-1304(e), and 4-3-1304(f). This law mandates that all regulatory boards within the Department of Commerce and Insurance adopt an expedited licensing process for certain military personnel and the spouses of certain military personnel.

- (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;

The proposed rule would apply to any applicants that meet the requirements of T.C.A. § 4-3-1304(d). The Board has not heard from any affected individuals concerning the rule.

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

N/A

- (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;

There is no expected impact on state or local government revenues and expenditures.

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

Robert Gribble 500 James Robertson Parkway Davy Crockett Tower, 5 th Floor Nashville, TN 37243 (615) 253-1725	Ellery Richardson 500 James Robertson Parkway Davy Crockett Tower, 5 th Floor Nashville, TN 37243 (615) 741-3072
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- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Robert Gribble, Executive Director, Burial Services
Ellery Richardson, Assistant General Counsel

- (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

Robert Gribble 500 James Robertson Parkway Davy Crockett Tower, 5 th Floor	Ellery Richardson 500 James Robertson Parkway Davy Crockett Tower, 5 th Floor
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Nashville, TN 37243
(615) 253-1725
Robert.Gribble@tn.gov

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(615) 741-3072
Ellery.Richardson@tn.gov

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

N/A

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Agency/Board/Commission:	Tennessee State Board of Funeral Directors and Embalmers
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Revision Type (check all that apply):

- Amendment
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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/Rule Title per row)

Chapter Number	Chapter Title
0660-05	Funeral Directors and Embalmers
Rule Number	Rule Title
0660-05-.04	Military Applicant – Spouses – Expedited Licensure

Substance of Proposed Rules
 Chapter 0660-05
 Funeral Directors and Embalmers

New Rule

0660-05-.04 Military Applicant – Spouses – Expedited Licensure.

(1) An applicant for registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:

(a) Be issued a license upon application and payment of all required fees if, in the opinion of the Board, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or

(b) Be issued a temporary license if the Board determines that the applicant's application does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to - education, training, or experience, in order to meet the requirements for the application to be substantially equivalent. The Board may issue a temporary license upon application and payment of all required fees for a regular license of the same type, which shall allow the person to perform services as if fully licensed for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.

1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full license shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary license and an expiration date as if the full license had been issued at that time.
2. A temporary license shall be issued for a period no longer than the length of a renewal cycle for a full license of the same type.
3. A temporary license shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
4. Should an extension to a temporary license cause the permit to be in effect longer than the renewal cycle of a full license, then the holder of the temporary license shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full license of the same type.

(2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any license issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such license.

(3)

(a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose license expires during the period of activation shall be eligible for renewal upon the licensee being released from active duty without:

1. Payment of late fees or other penalties;
2. Obtaining continuing education credits when:
 - (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
 - (ii) The person performs the licensed or certified occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.

(b) The license shall be eligible for renewal pursuant to this paragraph (3) for six (6) months from the person's release from active duty.

(c) Any person renewing under this paragraph (3) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any license pursuant to this subsection.

Authority: T.C.A. §§ 4-3-1304(d), 4-3-1304(e), and 4-3-1304(f).

* 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)
Robert O. Starkey, III	X				
Anita L. Taylor	X				
Wayne E. Hinkle	X				
W.T. Patterson	X				
Jane Gray Sowell	X				
David R. Neal	X				
Robert P. Helms				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) Tennessee State Board of Funeral Directors and Embalmers on 05/06/2014 (date), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All proposed 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 on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;

The proposed rule is a licensing requirement that will apply to all license and registration applicants equally, if the individual applicants meet the requirements. Therefore, businesses will not have any costs associated with this rule.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

There are no projected reporting, recordkeeping, or administrative costs for small businesses associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

This rule has no projected impact on small businesses or consumers.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;

The rule will ease the burden of applying for a license or registration for those applicants who meet the requirements. There are no less burdensome, intrusive, or costly methods to achieve the purpose of the rule.

(5) A comparison of the proposed rule with any federal or state counterparts; and

There are no federal counterparts to this rule. Public Chapter 122 requires all regulatory boards to adopt rules expediting licenses for military applicants and applicants with spouses in the military. The Boards are adopting rules substantially similar to this proposed rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

This rule does not require small businesses to change their operations. Therefore, there is no need for an exemption.

Impact on Local Governments

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0660-05-.04 This rule provides a process for expedited licensure for applicants the meet the qualifications of T.C.A. § 4-3-1304(d).

- (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;

T.C.A. §§ 4-3-1304(d), 4-3-1304(e), and 4-3-1304(f). This law mandates that all regulatory boards within the Department of Commerce and Insurance adopt an expedited licensing process for certain military personnel and the spouses of certain military personnel.

- (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;

The proposed rule would apply to any applicants that meet the requirements of T.C.A. § 4-3-1304(d). The Board has not heard from any affected individuals concerning the rule.

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

N/A

- (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;

There is no expected impact on state or local government revenues and expenditures.

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

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

Robert Gribble, Executive Director, Burial Services
Ellery Richardson, Assistant General Counsel

- (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

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

N/A