

50 N.J.R. 1967 (b)

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RULE ADOPTIONS

Reporter

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NJ - New Jersey Register > 2018 > SEPTEMBER > SEPTEMBER 4, 2018 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF MORTUARY SCIENCE

Administrative Code Citation

Adopted Amendment: N.J.A.C. 13:36-1.6

Text

Fees and Charges

Proposed: August 7, 2017, at 49 N.J.R. 2462(a).

Adopted: December 5, 2017, by the Board of Mortuary Science, Charles F. Bechtold, President.

Filed: August 6, 2018, as R.2018 d.170, **without change**.

Authority: N.J.S.A. 45:7-38.

Effective Date: September 4, 2018.

Expiration Date: November 4, 2018.

Summary of Public Comment and Agency Reponse:

The official comment period ended October 6, 2017. The Board of Mortuary Science (Board) received one comment from Adam S. Guziejewski, Deputy Executive Director, New Jersey State Funeral Directors Association, Inc.

1. COMMENT: The commenter opposed the proposed increase of licensure fees to obtain or renew a license as a mortuary practitioner and a certificate of registration. The commenter believes that the fee increase will have an adverse impact on the overall cost of doing business in the State, specifically for the 1,637 individual licensees and 753 registered mortuaries licensed by the Board. In addition, the commenter stated that, as the Board notes through its narrative accompanying the rule proposal, the fee increase may affect consumers to the extent that licensees and mortuaries "pass on" the fee increases to those they serve, as many other industries and businesses have done when faced with heightened costs of doing business. The commenter also noted that the Board's proposal notice states that the fees have not been raised since 1999 and that "an increase in fees is now necessary to ensure that the Board will generate sufficient funds to cover its expenses for the next biennial renewal period." The commenter suggested that the members of the Board first review their own proposed expenditures in detail and eliminate unnecessary expenses, thus reducing the Board's own financial obligations instead of automatically raising the fees for licensees and businesses. The commenter believes that, if the Board is successful in reducing its expenditures, the need for a fee increase diminishes.

RESPONSE: Under the statutory authority set forth in N.J.S.A. 45:1-3.2, a professional board's fees must be established in an amount necessary to defray proper expenses incurred in performing its duties, but such fees may not be raised in an amount in excess of the amount estimated to allow the Board to carry out its duties. The Division of Consumer Affairs (Division) conducts an annual fiscal analysis to determine whether the Board's fees are necessary and appropriate to satisfy the Board's current and anticipated expense levels and comport with the requirements of N.J.S.A. 45:1-3.2. A fiscal analysis conducted by the Division revealed that the proposed fee increases are necessary and appropriate to satisfy the Board's current and anticipated expense levels and comport with the requirements of N.J.S.A. 45:1-3.2. The proposed fees are necessary for the Board to perform its statutory obligations to the regulated community and to the public at large to maintain professional and ethical business practices in the practice of mortuary science.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are governed by N.J.S.A. 45:7-32 et seq., and are not subject to any Federal laws or standards.

Regulations

Full text of the adopted amendment follows:

SUBCHAPTER 1. ADMINISTRATION

13:36-1.6 Fees and charges

(a) The Board shall charge the following fees:

- 1 (No change.)
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- 2 Initial license fee:
.
 - i. During the first year of a biennial renewal period..... \$ 350.00
 - ii. During the second year of a biennial renewal period..... \$ 175.00
- 3 Initial certificate of registration for a mortuary:
.
 - i. During the first year of a biennial renewal period..... \$ 700.00
 - ii. During the second year of a biennial renewal period..... \$ 350.00
- 4.-8. (No change.)
- 9 Biennial license renewal fees:
.
 - i. Practitioner..... \$ 350.00
 - ii. Mortuary certificate of registration..... \$ 700.00
 - iii (No change.)
.
 - iv. Inactive paid license renewal..... \$ 170.00
- 10.-15. (No change.)

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