

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4717-5-02

Rule Type: Amendment

Rule Title/Tagline: Master embalmer and master funeral director training program requirements.

Agency Name: Board of Embalmers and Funeral Directors

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 4/11/2019
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4717.04
5. **What statute(s) does the rule implement or amplify?** 4717.05
6. **What are the reasons for proposing the rule?**

The proposed amendments to the rule will confer the board, in the event the governor has declared a state of emergency, to extend the validity of credentials or exempt requirements to satisfy compliance standards for a specific period.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule's content specifies the Ohio master embalmer and master funeral director training program requirements that must be followed by a master embalmer and master funeral director.

The rule is amended to confer the board, in the event the governor has declared a state of emergency, to extend the validity of credentials or exempt requirements to satisfy compliance standards for a specific period. The rule is also amended to consolidate training topics.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The estimated costs of compliance for all persons and/or organizations directly affected by the rule is unknown. The rule amendments may provide an opportunity for a licensee to save in the cost of the training. Participating in an online course may cost less than a classroom setting, face to face course. And the amendments also may provide an opportunity for deferral of the cost of the training course.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The rule requires prior authorization to engage in or operate a line of business by implication of section 4717-9-01(E) of the Ohio Admin. Code.

A master embalmer and a master funeral director with five years of experience as an embalmer or funeral director in the state of Ohio must successfully complete training approved by the board. Training may be obtained by attending and participating in an approved program.

A provider, organization or person which desires to obtain approval of a course, program or other continuing education activity shall obtain approval prior to the activity. A provider, organization or person shall submit to the board an application established by the board. The board shall approve or deny such a completed application.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

The rule imposes a cause of action for failure to comply with its terms by implication of section 4717.14(A)(3) of the Ohio Revised Code.

Example: A licensed embalmer certifies (starts supervising) an embalming apprenticeship prior to completing master embalmer training. The board may

require the embalmer to take corrective action for violating the provisions of section 4717-5-02 of the Admin. Code.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

A. **How many new regulatory restrictions do you propose adding?**

Not Applicable

B. **How many existing regulatory restrictions do you propose removing?**

Not Applicable