

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4717-8-01

Rule Type: Amendment

Rule Title/Tagline: Unprofessional conduct.

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?** 5/23/2018
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?** 4717.31(J), 4717.09(A), 4717.04
5. **What statute(s) does the rule implement or amplify?** 4717.14(A)(4)
6. **What are the reasons for proposing the rule?**

The proposed rule seeks to create new rules and amend existing rules to make the rules consistent with other parts of the OAC.

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

The rule modifies the deadline for the preneed funeral contract annual report from March 30 to March 31. This change makes the rule consistent with the proposed amendment to OAC 4717-10-01. The rule also adds in violations related to continuing

education. The current version does not expressly provide that non-compliance with the continuing education rules constitutes unprofessional conduct.

- 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. 121.71 to 121.76, 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.**

The package was approved by the full board following the public hearing.

11/19/2018 File formatting.

II. Fiscal Analysis

- 11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not Applicable

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

Not Applicable

- 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**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. 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 compliance from licensed funeral homes and licensed funeral directors, embalmers, and crematory operators.

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

Failure to comply with the proposed rules constitutes unprofessional conduct, resulting in disciplinary action by the Board.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The licensee is required to pay for continuing education programs to meet the minimum requirements to comply with the Revised Code and the Administrative Code. The rule also requires the licensee to pay postage fees necessary to mail the preneed funeral contract annual report.