

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?** 4/5/2017
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?** 4717.13, 4717.14, 4717.41, 4717.051
6. **What are the reasons for proposing the rule?**

The proposed rule creates a standard of conduct with respect to the preneed recovery fund database and the crematory operator permit rules.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule amendment makes it unprofessional conduct if the licensee: (1) fails to register an account with the automated reporting and preneed payment system, (2) fails to report any preneed funeral contracts sold on a quarterly report to the

automated reporting and preneed payment system, (3) Submission of a late report to the automated reporting and preneed payment system, (4) Where a deposit amount is specified at the end of a fiscal year, failure to collect and deposit the specified amount to the automated reporting and preneed payment system, (5) Act as a crematory operator or perform cremation without a permit

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.**

Changes were made in 4717-8-01 (A) and (C) as a result of the new license type, the crematory operator permit. Sections (A) and (C) were amended to include crematory operator and crematory operator permit as a type subject to unprofessional conduct. Changes were also made in 4717-8-01(I),(K), (L), and (M) seeks to clarify the distinction between the reporting required under the Preneed Recovery Fund and the Annual Preneed Contract Report.

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? No**
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**

Yes, this rule is limited to individuals licensed by the Board.

- 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**

While the rule does not explicitly impose a penalty, violation of this rule does trigger the potential for a financial sanction or administrative license sanction.

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

The rule required an individual to report information on transaction that occurred during the quarter.