

4717-9-02

Exemptions or waivers from continuing education.

(A) A licensee who is not engaged in the practice of embalming and/or funeral directing in the state of Ohio may be granted an exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in the practice of embalming and/or funeral directing in Ohio without first complying with all regulations governing removal of exemption. The application for an exemption shall be submitted upon the form established by the board. Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption of the continuing education requirements to any licensee designated as a ~~manager of a funeral home or any~~ funeral director actually in charge of or ultimately responsible for a funeral home or an embalmer actually in charge of an embalming facility in the state of Ohio.

(B) Removal of continuing education exemption.

Licensees who have been granted an exemption pursuant to this rule shall, prior to engaging in the practice of embalming and/or funeral directing in the state of Ohio, satisfy the following requirements for removal of exemption:

- (1) Submit written application for removal of continuing education exemption to the board upon forms established by the board; and
- (2) Furnish on the application evidence of one of the following:
 - (a) The full-time practice of embalming and funeral directing in another state of the United States or the District of Columbia and completion of continuing education for each year of exemption status substantially equivalent in the opinion of the board to that required under rule 4717-9-01 of the Administrative Code; or
 - (b) Completion of the total number of hours of accredited continuing education equal to that required during the exemption period; or
 - (c) Successful completion of the Ohio laws license examination conducted within one year after the submission of such application for removal of continuing education exemption.

(C) Exemption for fifty years of licensure.

An individual who has held a license as an embalmer or funeral director for not less than fifty years may make written application to the board for an exemption from the minimum education requirements. The application for the exemption shall be made on forms established by the board and signed by the licensee.

Notwithstanding anything to the contrary contained in this rule, the board shall not grant an exemption to any licensee designated as the person actually in charge of an embalming facility, or to any licensee designated as ~~the manager or~~ the funeral director actually in charge of and ultimately responsible for a funeral home. An exemption granted under this rule shall be automatically voided if the individual holding the exemption is designated as the person actually in charge of an embalming facility ~~or a manager~~ or funeral director actually in charge of and ultimately responsible for a funeral home.

If an exemption for fifty years of licensure is voided, the licensee must notify the board and request an amendment to the funeral home license. Upon the board's acceptance of a satisfactorily completed amendment, the licensee is permitted to serve as ~~manager and/or~~ funeral director actually in charge of and ultimately responsible for the funeral home. The licensee is responsible for completing the total number of hours of accredited continuing education for the compliance period in which the exemption for fifty years of licensure is voided before the licensee is permitted to renew.

(D) Approval of a waiver, exemption, or fifty-year exemption does not waive or exempt the licensee from renewal fees.

(E) Physical disability, illness or undue hardship (waivers).

The board may, in individual cases involving physical disability or illness as certified by a physician, or good cause shown, grant waivers of the minimum education requirements. No waiver shall be granted unless written application therefore shall be made on forms established by the board and signed by the licensee; and in the case of physical disability or illness signed by a physician licensed by the medical board. Waivers of the minimum educational requirements may be granted by the board for any period not to exceed one compliance period. In the event that the physical disability or illness or good cause shown for which the waiver has been granted continues beyond the period of waiver, the licensee must reapply for a new waiver for the applicable compliance period. The application for a waiver shall be submitted upon the form established by the board no later than four months prior to the end of any compliance period.

~~Notwithstanding anything to the contrary contained in this rule, the board shall not grant a waiver of the minimum continuing education requirements to any licensee designated as the manager of a funeral home pursuant to paragraph (B)(2)(a) of rule 4717-1-16 of the Administrative Code.~~

(1) Notwithstanding anything to the contrary contained in this rule, the board shall not grant a waiver of the minimum continuing education requirements to any licensee designated as the actually in charge of or ultimately responsible for a funeral home or embalming facility in the state of Ohio.

(2) The board may, in individual cases involving an emergency situation, grant exception to the submission deadline of four months prior to the end of a compliance period.

Effective:

Five Year Review (FYR) Dates: 03/27/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4717.04
Rule Amplifies: 4717.09
Prior Effective Dates: 8/1/81, 1/1/84, 7/1/87, 1/1/01, 11/10/05, 1/9/07