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Hearing Date: 11/19/2018

Today's Date: 11/19/2018

Agency: Ohio Board of Embalmers and Funeral Directors

Rule Number(s): 4717-1-01, 4717-7-02, 4717-7-03, 4717-7-04, 4717-7-05, 4717-7-06, 4717-7-07, 4717-8-01, 4717-9-01, 4717-9-02, 4717-9-03, 4717-9-04, 4717-9-05, 4717-10-01

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Diana Carpenter, Education & Events Coordinator, Ohio Funeral Directors Association of Columbus, Ohio concerning rule 4717-9-01
2. Melissa S. Sullivan, Executive Director, Ohio Funeral Director Association of Columbus, Ohio concerning rule 4717-7-02, 4717-7-04, 4717-9-01, 4717-9-04, 4717-9-05,
3. Belinda Rospert, Funeral Director/ Embalmer, Hilliard-Rospert Funeral Home of Wadsworth, Ohio concerning rule 4717-9-01
4. Daniel Rospert, Funeral Director/ Embalmer, Hilliard-Rospert Funeral Home of Wadsworth, Ohio concerning rule 4717-9-01, 4717-9-02
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Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Hearing started at 1:04 p.m.

David A. Ingram, Esq., Executive Director of Ohio Board of Embalmers and Funeral Directors, commenced the hearing. Mr. Ingram introduced William C. Wappner, Chairperson of the Hearing, Jon W. Rettig, Sr., Board Member, and Jarrod Williams, member of board office staff, as representatives of the Board.

Mr. Ingram acknowledged Diana Carpenter, and Melissa Sullivan of Ohio Funeral Directors Association in attendance of the hearing.

Mr. Ingram also acknowledged Greg Fouche, Deputy Director of Joint Committee on Agency Rule Review in attendance of the hearing.

Mr. Wappner welcomed all to the hearing. He directed all to review the proposed amendments to language within rule 4717-1-01, Definitions. He asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-7-02, Requirements for funeral home licensure. He asked if there were any comments. Mr. Wappner remarked that 4717-7-02(J)(1) will be amended to include description of the required measurements of letters used on the 8.5 by 11 inches sign: three-fourths inch (3/4") size letters shall be used to display the name of the funeral director actually in charge and ultimately responsible; one-half inch (1/2") size letters shall be used to display all other included words.

Ms. Sullivan suggested proposed rule 4717-7-02(J)(1) indicate the size of font to be used on the sign. Mr. Rettig responded that the committee chose measurements requirements over font style and size.

Ms. Sullivan identified a typographical error in proposed rule 4717-7-02(J)(1) and recommended correction. Mr. Ingram thanked Ms. Sullivan for her recommendation. He asked Ms. Sullivan if there were any other comments on the rules' amendments. Ms. Sullivan replied that she had none. Mr. Rettig remarked on the importance of the public knowing who is actually in charge and ultimately responsible for a facility.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-7-03, Sale or disposition of existing funeral home. Mr. Ingram asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-7-

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04, Crematory facilities. He asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-7-05, Embalming facilities. He asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review proposed new rule 4717-7-06, Sale or disposition of existing embalming facility. Mr. Ingram remarked this was a new rule to include the same language as applied to funeral homes. Mr. Wappner asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review proposed new rule 4717-7-07, Sale or disposition of existing crematory facility. Mr. Wappner remarked this was a new rule to include the same language as applied to funeral homes and embalming facilities. He asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-8-01, Unprofessional conduct. He asked if there were any comments. Ms. Sullivan responded that the amendment to 4717-8-01(l) "...report by the thirty-first day of March..." is a good change.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-9-01, Continuing education requirements. He remarked that the Board's changes were of interest to OFDA. The Association submitted a written communication, dated October 8, 2018, with proposed modifications to the Board's proposed amendments. He invited Ms. Sullivan to comment.

Ms. Sullivan thanked Mr. Wappner for the opportunity to discuss OFDA's proposals. She began by stating OFDA suggests inclusion of language to rule 4717-9-01(G) that would permit licensees to obtain continuing education in a closed (private) setting offered by their employer and/or through courses offered online, up to a maximum of nine hours of credit for any biennial compliance period: A) A licensee would be afforded the opportunity to earn one half of their CE through publicly held programming, furthering their ability to network, foster peer-to-peer relationships and be exposed to presentation diversity.

Mr. Ingram remarked that there was an omission from amendments to rule 4717-9-01(G). He stated that the number of hours the board shall approve for online continuing education should read twelve hours, not nine. Mr. Ingram apologized for the mistake and stated the correction will be made in the rule filing.

Ms. Sullivan responded that OFDA supports the Board's change to twelve hours from nine hours of required continuing education fulfilled through online courses and webinars.

Mr. Wappner reminded all that at least six hours of the continuing education requirement must

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be obtained though a face-to-face setting. Mr. Rettig commented that the committee agreed to increase the online hours to aid those who have difficulty attending in-person programs.

Ms. Sullivan stated that OFDA suggests rule 4717-9-01(G) to include language that defines closed (private) CE should address true professional development and not corporate policy or internal company training. Mr. Wappner remarked that no corporate meetings will be credited towards CE hours.

Mr. Ingram acknowledged two persons arriving late to the hearing. He asked each to introduce themselves. The additional attendees were Belinda Rospert and Daniel Rospert. Mr. Ingram welcomed the two to the hearing and informed of the current agenda item being discussed.

Ms. Sullivan stated that OFDA suggests rule 4717-9-01(G) to include language to safeguard authenticity of hours earned, any required content should be obtained in open (public) meeting environment. Mr. Wappner responded that he supports the suggestion. She added that OFDA would suggest rule 4717-9-01(G) require the six continuing education hours fulfilled through courses addressing ethics, preneed, and laws and rules, be obtained by attending and participating (in-person) in approved program of activities only.

Mr. Ingram questioned Ms. Sullivan, for clarity, if OFDA wants the Board to define closed (private) meeting. Ms. Sullivan replied that he was correct. Mr. Rettig offered a brief explanation to Mr. Fouche about the differences between open and closed (private) meetings. Ms. Sullivan disclosed to Mr. Fouche that OFDA supports closed (private) meetings.

Ms. Sullivan stated that OFDA suggests rule 4717-9-01(K) to include additional information on certificates of completion: A) Approved course number; B) Identify mandatory topic category, if applicable; C) Identify if course is public/private. She added that approved course numbers should not be permitted to be similar or copied by program providers on later applications for courses.

Mr. Rettig responded that he agrees with the suggestions submitted by OFDA.

Mr. Wappner asked if there were any further comments on proposed amendments to rule 4717-9-01. There were no further comments made.

Mr. Wappner directed all to review proposed new language to rule 4717-9-02, Exemptions or waivers from continuing education. He added that 4717-9-02(F) is new for the purpose of clarification of rule 4717-9-01(A). Mr. Wappner asked if there were any comments.

Mr. Rospert opined that a newly licensed funeral director, after just completing a two-year apprenticeship, and without any mortuary school experience, should obtain continuing education hours in the compliance period. There was discussion on apprenticeships and required examinations prior to initial license.

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Mr. Wappner directed all to review proposed new rule 4717-9-03, Continuing education audit requirements. Mr. Ingram stated that all licensees are subject to an audit and this rule allows a licensee to understand the expectations of an audit. Mr. Wappner asked if there were any comments. There were no comments made.

Mr. Wappner directed all to review proposed new rule 4717-9-04, Online continuing education. Mr. Ingram stated that this rule provides qualifications for online courses. Mr. Wappner asked if there were any comments. Ms. Sullivan stated that OFDA suggests modifying 4717-9-04(D)(3) to "...at least four questions per 30 minutes of continuing education:" Ms. Sullivan also suggested modification to 4717-9-04(D)(4) to read, "Maintain a question bank with at least six questions for each 30 minutes of continuing education. The questions shall be randomly selected so that the test questions are not predictable." Mr. Wappner asked if there were any further comments. There were no further comments made.

Mr. Wappner directed all to review proposed new rule 4717-9-05, Webinar continuing education. Mr. Ingram stated that this rule provides qualifications for webinar courses. Mr. Wappner asked if there were any comments. Ms. Sullivan stated that OFDA suggests modifying 4717-9-05(D)(5) to "...at least four questions per 30 minutes of continuing education:" Ms. Sullivan also suggested modification to 4717-9-05(D)(6) to read, "Maintain a question bank with at least six questions for each 30 minutes of continuing education. The questions shall be randomly selected so that the test questions are not predictable." Mr. Wappner asked if there were any further comments. There were no further comments made.

Mr. Rettig asked Ms. Sullivan if she meant to comment on 4717-09-05(D)(4). There was discussion on what differentiates webinars from online courses.

Mr. Wappner revisited proposed amendments to language within rule 4717-09-01 Continuing education requirements. He addressed specifically 4717-9-01(E)(2) by reading aloud the added new language. Mr. Wappner asked if there were any comments. Ms. Carpenter responded by stating the new language will allow easier changes to the date of a program, if needed. She offered OFDA's Master's Training Seminar as an example of an approved program – whose content wouldn't likely change – that could benefit from the new language.

Mr. Ingram revisited proposed new language to rule 4717-9-01, Continuing education requirements. He addressed specifically 4717-9-01(M) and (N) is for purposes of clarifying what an individual shall not receive continuing education credit for. Mr. Ingram asked if there were any comments. There were no comments made.

Mr. Ingram revisited proposed new language to rule 4717-9-01, Continuing education requirements. He addressed specifically 4717-9-01(O) by stating the monthly state board meeting could be an example of a recurring meeting that would limit an individual to receiving credit for the first successful completion (attendance) of the course. Mr. Ingram opined that

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not much changes with the state's board meetings – the Board follows the same agenda. He suggested a compromise may be to approve thirty minutes for attending a monthly board meeting. Mr. Ingram asked if there were any comments. Mr. Rospert recommended the Board continue to give continuing education credit for attending the monthly board meetings. He suggested the Board limit the total number of hours for attending.

Mr. Wappner asked Mr. Rospert if he wished to revisit any of the proposed amendments to rules that he may have missed due to his late arrival to the hearing. Mr. Rospert thanked Mr. Wappner for the opportunity but stated that it wouldn't be necessary.

Mr. Rospert questioned aloud if the Board had a rule requiring crematory facilities to have refrigeration. He recommended that a crematory should have at least a two-person cooler. Mr. Ingram responded by stating there was no requirement currently. He added that any requirement would be better addressed by a law and not a rule.

Mr. Rospert declared that all licensed facilities should have refrigeration. Mr. Ingram responded by stating the Board has identified the need for more refrigeration capabilities throughout the state and is currently collecting data on the matter. Mr. Rettig remarked that other states have such a requirement.

Mr. Wappner directed all to review the proposed amendments to language within rule 4717-10-01, Preneed funeral contract annual report. He remarked the language is to include the same language as applied to 4717-8-01. Mr. Wappner asked if there were any comments. There were no comments.

Prior to adjourning the hearing, Mr. Wappner asked if there were any other comments about rules to be made.

Mr. Rospert questioned if the Board could change the requirement for amber colored light(s) for funeral home vehicles. He opined that the public does not pay attention to the lights as they should. Mr. Ingram responded that the requirement is established by the Department of Public Safety, not the Board. Ms. Sullivan responded to Mr. Rospert by stating that her association is currently working with legislators to change laws regarding flashing lights.

Mr. Rospert opined that he did not like the practice of renting caskets and shared that he'd like to see it prohibited. He stated concerns about potential health risks to employees, and liability risks involved with transport. Mr. Wappner responded by stating a change would be better addressed through a legislative measure.

Mr. Wappner asked if there were any further comments regarding rules. There were no further comments made.

The hearing ended at 2:16 p.m.

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Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s).
If no comments were incorporated, explain why not.

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