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Hearing Date: 12/21/2020

Today's Date: 12/21/2020

Agency: Ohio Board of Embalmers and Funeral Directors

Rule Number(s): 4717-9-05

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. Melissa Sullivan of Ohio Funeral Directors Association

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Hearing Summary Report

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).

The hearing started at 10:02 a.m.

Jarrold Williams of the board office staff of the State of Ohio Board of Embalmers and Funeral Directors, commenced the hearing. Mr. Williams introduced Jon W. Rettig, Sr., Board Member and Chairperson of the Hearing; Edward C. Nurre, Board Member; Cheryl L. Grossman, Executive Director of the Board; Senior Assistant Attorney General Christie Limbert; and Kim Bourk, Board Office Staff, as representatives of the Board.

Jon Rettig recognized Melissa Sullivan of Ohio Funeral Directors Association in attendance as well.

Mr. Rettig welcomed all to the hearing.

Mr. Williams read aloud the proposed amendments to Section 4717-9-05, Webinar continuing education, of the Ohio Administrative Code. He asked if there were any comments.

Mr. Rettig remarked that when the original rules for Sections 4717-9-04 and 4717-9-05 of the Administrative Code were created in late 2018, the Board believed that webinar continuing education would be rare. At the time, few continuing education providers were offering such a course as in-person and online courses were plentiful. He added that for the purposes of establishing compliance guidance similar to online continuing education in 4717-9-04, many of the requirements carried over to 4717-9-05.

Mr. Rettig stated that in a little over one year after these rules became effective, the world began experiencing a global pandemic. This pandemic caused restrictions on the population that included prohibiting mass gatherings of people. This particular limitation ended a continuing education provider's ability to offer in-person continuing education courses – a major component of their business model. In effort to remain in business, providers had to alter how they distribute their content. A solution was to offer more material online. As the population remained sheltered in place for the most part, demand for virtual continuing education courses had risen. Mr. Rettig stated that webinar courses had become nearly as popular as online courses.

Mr. Rettig stated that virtual courses were now occurring more frequently. He added that changes to 4717-9-05 were needed to better accommodate a continuing education program provider's ability to apply to the Board to obtain approval of a webinar course without purposeless conditions.

Mr. Rettig asked Kim Bourk to define webinar and online continuing education. Ms. Bourk

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responded that a webinar is considered education in which instruction occurs simultaneously between the instructors and participants who are not located in the same place using a format in which participants are able to interact with the instructor through a question and answer format in real time. Ms. Bourk stated that online continuing education is considered education in which instruction occurs when the instructors and participants are not located in the same place. She added that the definitions are available for reference on the board's website.

Cheryl Grossman thanked Kim Bourk for her explanation of the two types of continuing education.

Mr. Rettig asked if there were any additional comments to be made.

Melissa Sullivan asked if removal of Section 4717-9-05 (C)(3), the requirement for the question sets with answers, could be considered immediate. Mr. Rettig stated that the rule has been considered by the Joint Committee on Agency Rule Review during its December 7, 2020 meeting, but the rule is not in effect. He suggested that continuing education program providers continue to comply with the current rule and submit the question sets with answers along with any applications.

Ms. Sullivan thanked Mr. Rettig for his response. She remarked that OFDA will reschedule its webinar.

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

The hearing ended at 10:17 a.m.

Hearing Summary Report

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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