MEMORANDUM

TO: Tim Derickson, Board of Embalmers and Funeral Directors

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: March 1, 2017

RE: **CSI Review – Five Year Review (OAC 4717-1-01 through -04, 4717-2-01 through -05, 4717-3-01, 4717-4-01 through -05, 4717-5-01 through -03, 4717-6-01, 4717-6-02, 4717-7-01 through -05, 4717-8-01, 4717-9-01, 4717-9-02, 4717-10-01, 4717-11-01, 4717-12-01, and 4717-13-01)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of 20 amended and 12 no-change rules submitted by the Board of Embalmers and Funeral Directors for their statutorily-required five-year review. It was submitted to the CSI Office on February 3, 2017 and the comment period closed on February 16. One comment was received during this time.

All of the rules in Ohio Administrative Code (OAC) Chapter 4717 are included in this package. The rules govern everything within the funeral service industry including definitions, licensure, fees, apprenticeship, exams, funeral home standards, crematory facilities, embalming facilities, and continuing education. During early stakeholder outreach, specifically the January Board meeting, the main concern expressed was regarding continuing education changes. Currently, OAC 4717-9-01 requires 18 continuing education hours, nine of which can be fulfilled through online courses. The Board had proposed to permit all continuing education hours to be taken online. However two of the largest state associations and one mortuary science college appeared

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

at the Board meeting to object to the change. After further discussion, the Board and stakeholders compromised on the current draft that allows for up to 12 hours of online continuing education and the remaining six to be taken in classroom settings.

One comment was received that had multiple questions and concerns, and the Board provided a response to CSI on February 22. Two changes are being made in response to the comment. OAC 4717-5-03 references an incorrect rule number so the Board has been made aware and agreed to correct that. OAC 4717-7-04 strikes language regarding an appropriate license fee which would be in conflict with OAC 4717-3-01 so the Board will keep that language.

The BIA identifies the impacted community as including funeral directors, embalmers, funeral home operators, funeral homes, crematories, and embalming facilities. The rules contain licensing and continuing education requirements that carry fees, fines, and time. The fees range from $10 for filing a certificate of apprenticeship to $1,000 for reinstating a lapsed license. Allowing three additional hours of continuing education to be taken online and eliminating the required manager position at funeral homes should help to reduce the adverse impacts on the business community. The Board explains that people invest in the funeral industry in addition to entrusting them to handle sensitive activities during emotional times, so the regulations are necessary to ensure health, safety, peace of mind, and secure investments for all Ohioans.

After reviewing the proposed rule and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendation

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board of Embalmers and Funeral Directors should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.