



MEMORANDUM

TO: David Ingram, Ohio State Board of Embalmers and Funeral Directors

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: October 16, 2018

RE: **CSI Review – Continuing Education (OAC 4717-9-01, 4717-9-02, 4717-9-03, 4717-9-04, and 4717-9-05)**

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 from the Ohio State Board of Embalmers and Funeral Directors (Board) consists of two amended and three new rules submitted for review. The rule package was submitted to the CSI Office on October 1, 2018 and the public comment period ended on October 8, 2018 with one comment received.

The amended rules, Ohio Administrative Code (OAC) 4717-9-01 and 4717-9-02 outline continuing education (CE) requirements as well as exemptions and waivers from CE. Proposed amendments would move some language to one of the new rules, clarify Board approval of CE programs, clarify the time calculation of CE hours, require certain courses within the required 18 CE requirements, stipulate instances where CE does not count toward the minimum required hours, and exempt new licensees from the legal education requirement during their first biennial compliance period. New rules OAC 4717-9-03, 4717-9-04, and 4717-9-05 establish requirements for CE audits, online CE, and webinar CE.

Prior to filing the rules with CSI, the Board contacted all licensed professionals under its jurisdiction, as well as the Cincinnati School of Mortuary Science (CCMS) and the three active

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associations which represent funeral service providers in the state. The Board worked with stakeholders from CCMS, the Buckeye State Funeral Directors Association, and the Ohio Funeral Directors Association over the course of four months to develop the rules. Stakeholder comments on the rules were incorporated into the proposed draft rules.

One comment was received during the CSI public comment period from a representative of the Ohio Funeral Directors Association (OFDA). The commenter requested several language updates regarding closed, private CE as well as changes to the question bank requirements in the rules pertaining to online and webinar CE. Board staff communicated to the CSI Office that the first point regarding the hour maximum had been address during the Board committee meeting, where the Board decided against incorporating the suggestion. The other suggestions voiced by the OFDA had not been discussed by the committee, and Board staff responded that while the Board would consider the additional language in the future, it is necessary to file the rules by October 16 to achieve a January 1 effective date in order replace withdrawn rule OAC 4717-9-01.

The rules affect all licensed funeral directors, embalmers, funeral home operators, funeral homes, crematories, and embalming facilities in Ohio. The adverse impact includes time to take CE courses as well as any administrative discipline a licensee would face for a failed CE audit. The BIA indicates that the Board conducts an audit of 10% of active licensees that renew. The BIA justifies the rules as a necessary measure to protect the public by ensuring that licensees remain current with industry standards. In addition, the new rules provide clearer audit standards and allow for the use of technology to administer CE courses.

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

Recommendations

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

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

CC: Emily Kaylor, Lt. Governor's Office