

**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 – Preneed Funeral Contract Annual Report (OAC 4717-10-01)**

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 from the Ohio State Board of Embalmers and Funeral Directors (Board) consists of one amended rule 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 no comments received.

Oho Administrative Code (OAC) 4717-10-01 requires a seller of preneed funeral contracts to submit an annual report to the Board. The rule specifies the necessary information for the report and requires an affidavit signed by the funeral director actually in charge. The only proposed amendment changes the deadline for licensees to submit the preneed funeral contract annual report from March 30 of each year to March 31.

Prior to filing the rule with CSI, the Board contacted all licensed professionals under its jurisdiction, as well as the Cincinnati School of Mortuary Science and the three active associations which represent funeral service providers in the state. No comments were received during early stakeholder outreach or during the CSI public comment period.

The rule affects all licensed funeral directors and funeral homes in Ohio, totaling 1,168 licensed facilities. The adverse impact includes any administrative discipline a licensee would face for failing to postmark the report by March 31 of each year. Since the only amendment is to change the due date by one day, the net change in impact is negligible. The Board determined that March 31 constituted a more common-sense deadline as the last day of the month.

After reviewing the proposed rule 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 rule is 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