

**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 – Unprofessional Conduct (OAC 4717-8-01)**

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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) 4717-8-01 lists actions, on the part of licensees, that are considered unprofessional conduct by the Board. The Board proposes to add two paragraphs to the rule, for individuals who fail to complete the minimum required hours of continuing education and individuals who falsify attendance or completion of continuing education. The other proposed amendment changes the deadline for licensees to submit the preneed funeral contract annual report from March 30 of each year to March 31 in order to comply with a change made to another rule.

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, embalmers, funeral home operators, funeral homes, crematories, and embalming facilities in Ohio. The adverse impact includes any administrative discipline a licensee would face for violating any of the provisions. 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