



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### Business Impact Analysis

**Agency Name: Board of Embalmers and Funeral Directors**

**Agency Contact Info: David A. Ingram, Esq.**

**Regulation/Package Title: Master and Apprenticeship Program**

**Rule Number(s): 4717-5-01, 4717-5-02, 4717-5-03, 4717-5-04**

**Date: 6/25/19**

**Rule Type:**

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

#### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

*The draft regulations seek to make the administrative rules consistent with statutory language and update the apprenticeship program to become more with current business practices, technology, and educational institutions.*

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**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

*Section 4717.04 of the Revised Code*

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*No.*

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

*The regulation does not have a touchpoint with the federal government and does not fall below, meet, or exceed any federal requirement.*

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

*The Board seeks to amend the rule to be consistent with the proposed language in the budget bill that streamlines the apprenticeship application process and program. The amended language will clarify the duties between the apprentice and master as accurately capture what is successful for today's standards of practice in the funeral industry.*

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

*The agency can measure success through the reduction of application that are filed incorrectly as well as the volume of calls. The amended rules and application structure make the apprenticeship program more efficient and less burdensome to complete.*

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*Buckeye State Funeral Directors and Embalmers Association, Cincinnati College of Mortuary Science, Ohio Embalmers Association, and Ohio Funeral Directors Association. Buckeye State Funeral Directors and Embalmers Association, Cincinnati College of Mortuary Science, and Ohio Funeral Directors Association regularly attend our monthly committee meetings where the rules are discussed. The drafts and comments to those drafts and incorporated into an updated draft that is sent electronically to all the stakeholders. These key stakeholders have been working with the Board since February 2019.*

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**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

*The stakeholders have submitted comments via email prior to the committee meetings. The comments are discussed at the committee meetings and incorporated into the next draft, if accepted, by the board.*

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

*No scientific data was used to develop the amended rules.*

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

*The board did not consider any regulatory alternatives. The apprenticeship program is the Board's largest pathway to licensure. Without it, the Board could not regulate licensees because it would not have a method to qualify an individual to obtain a license.*

**11. Did the Agency specifically consider a performance-based regulation? Please explain. Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.**

*The regulation is somewhat performance based. Performance during the apprenticeship program is measured by Board Members during apprenticeship interviews. If the performance is not adequate, the apprentice must undertake remedial measures in order to pass through to the next phase of licensure.*

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

*The purpose of amending the rules was to eliminate duplicates, unnecessary requirements, and to streamline the program. During the rulemaking process, duplicates to Ohio Regulations were removed.*

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

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*In tandem with the rulemaking process, the Board has revised all documents related to the program. Additionally, the Board has made changes to the licensing system to be consistent with the amended provisions and proposed legislation.*

### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

*The cost of the application fee, \$35.*

- c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

*The board anticipates approximately 100 new individuals seeking to become an apprentice, which is \$3,500.*

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

*The adverse impact is required as a licensing fee under the Ohio Revised Code.*

### **Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

*No.*

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

*This regulation impacts individual licenses, not small business that would fall under facility license.*

**18. What resources are available to assist small businesses with compliance of the regulation?**

*No resources are available being that it focuses on the individual, not small*

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*business or business generally.*

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