



## Common Sense Initiative

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

**Sean McCullough**, Director

### MEMORANDUM

**TO:** Jarrod Williams, Ohio Board of Embalmers and Funeral Directors

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** June 2, 2021

**RE:** CSI Review – Continuing Education Audit Requirements (OAC 4717-9-03)

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On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

#### Analysis

This Ohio Board of Embalmers and Funeral Directors (Board) rule package consists of one amended rule. It was submitted to the CSI Office on April 29, 2021 as part of the statutory five-year rule review, and the public comment period was open through May 14, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on April 29, 2021.

The proposed rule allows an audit to be conducted on licensees and approved course sponsors, selected at random. The rule is being amended to allow the Board to initiate an audit within six months of a license renewal period, and to clarify the required course completion date as December 31<sup>st</sup> of even-numbered years.

While drafting the rules, the Board worked with licensees, the Ohio Funeral Directors Association, the Buckeye State Funeral Directors and Embalmers Association, and the Ohio Embalmers Association. No comments were received during either the early stakeholder outreach period or the CSI public comment period.

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Communities impacted by the proposed rule include licensed embalmers and funeral directors, and approved course sponsors. Potential adverse impacts are the cost and time associated with complying with audits, which may include participation in a continuing education course by a Board representative, providing required documents, responding to Board requests in a timely manner, and maintaining appropriate records. Additionally, the Board may impose restrictions on providers that fail to respond to its requests. The proposed rule may help to protect consumers by allowing the Board to ensure that approved continuing education courses are of substance, and that licensees meet continuing education requirements by receiving adequate training.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.