

Monday –February 27, 2012

The Board of Embalmers and Funeral Directors met in regular session in the Riffe Center at 77 South High Street in Columbus, Ohio. Robert Wasko, President, called the meeting to order at 1:03 P.M. Other Board members present were: Linda M. Betzer, Robert C. Carter, Thomas T. Fleming, Ty Marsh and Pamela Williams-Briggs. Staff Members present were Jennifer Croskey, Assistant Attorney General; Eric E. Anderson, Inspector; Lisa A. Bruns, Inspector; Jennifer Baugess, Administrative Assistant; Linda Clark, Certification/License Examiner and Lena Wright, Administrative Assistant. Audience attendees: Dionne L. Fortress, Jeffery L. Edwards, Richard S. Day, Rebekah Manofsky, Dean Washington, John McGough, T. Scott Gilligan, Steve Gehlert and Terry Reardon.

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On a motion by Ms. Betzer, seconded by Mr. Fleming, the Board approved, as amended, the minutes of the meeting held on January 23-24, 2012. Ayes: 6. Nays: 0. Motion approved.

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Person Before the Board

Dionne L. Fortress is a licensed embalmer and funeral director in the state of Michigan. She came before the Board seeking a reciprocal embalmer and funeral director's license. Ms. Fortress indicated that she has no felony convictions and no prior discipline from the embalmers and funeral directors governing board in Michigan.

On a motion by Mr. Marsh, seconded by Ms. Betzer, the Board voted to grant Ms. Fortress the opportunity to seek an Ohio reciprocal Embalmer and Funeral Director's license. Ms. Fortress must pass the Ohio Laws and Rules exam. Ayes: 6. Nays: 0. Motion approved.

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Person Before the Board

Jeffery Edwards appeared before the Board to ask for the consideration of two requests:

1. Recognize Alkaline Hydrolysis as an "other" authorized method of disposition for deceased human beings as defined in ORC 4717.01 (G) and subsequently ORC 3705.01 (J) and notify the Ohio Department of Health of its position on Alkaline Hydrolysis as an "other" authorized method of disposition.
2. Establish a new rule(s) in accordance with ORC 119.03 so that the Board can supervise, license, regulate and inspect Alkaline Hydrolysis. A sample of proposed rules regarding Alkaline Hydrolysis was provided (see attached).

Following the presentation, Board members had the following exchanges with Mr. Edwards:

Mr. Fleming -- There has been a lot of turmoil in the last 16 months about this, our advice was for you to seek legislation changes. I do give you credit for all of your work.

Ms. Betzer -- Is the machine in the funeral home?

Mr. Edwards -- No

Ms. Betzer – Do you plan on bringing it to your funeral home building?

Mr. Edwards – In a couple of years, after some renovation.

Mr. Carter – How do you keep track of the discharge?

Mr. Edwards – The computer can track and report to determine the PH value and how to adjust.

Mr. Wasko – We are in the process of setting up meetings with the Ohio Department of Health. As you probably are aware, the Ohio Funeral Directors Association has written draft legislation and the Board will work with them on that language.

Mr. Fleming question to AAG – Does the judges order mean the Board can regulate/authorize this by just a rule?

Ms. Crosky, AAG – The safest route is to do a law change, because if you authorize by only rule then someone down the road could challenge the Board's authority. There needs to be more research conducted in order to obtain solid legal advice.

Ms. Betzer and Ms. Crosky had dialogue regarding the Board's authority under RC 4717.04(A)(7-8) and whether or not this statute provided sufficient authority.

Ms. Crosky advised she will share today's discussions and information with AAG Hawkinson and they will begin research for law making.

Mr. Edwards – I respect the Board and understand the position it is in, the Board wants regulation, ODH wants regulation and the quicker solution would be a rule. The facility could be licensed separately from the funeral home.

Ms. Betzer – The facility couldn't be licensed as a crematory, because the definition of cremation includes "flame".

Mr. Carter – There are several definitions of Alkaline Hydrolysis.

Ms. Betzer – I am hesitant on doing only a rule change.

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Mr. McGough and Mr. Gilligan addressed the Board regarding current legislative activity:

Disclosure of personal information of deceased insured - Sponsor is Senator Tim Schaffer Amendments to RC 3904.13 to establish a procedure whereby the life insurer would be required to submit the relevant life insurance information to the funeral home working with the family member (or other person) who holds the right of disposition under the Ohio law. The legislation creates a standardized form that could be submitted to the insurer signed by the person with the right of disposition and the funeral director.

Funeral Home Licensing Bill - Sponsor is Representative Hackett

Primary purpose of bill is to authorize and regulate alkaline hydrolysis. There are several places in the Ohio Revised Code where the term "cremation" is used and each of those cites will need to be amended to include "alkaline hydrolysis".

Additional components – inactive status, courtesy cards, license and name of funeral home, emergency assistance from outside funeral director and identification of decedent prior to cremation.

Mr. Wasko asked Mr. Gilligan if he would comment on the FTC ruling about identification. Mr. Gilligan stated that NFDA disagrees with the ruling and has informed FTC of their concerns. FTC is re-evaluating the ruling and has pulled it from their website.

The Board informed Mr. McGough and Mr. Gilligan that the laws committee has several other areas in RC 4717 which need to be amended and would like to be able to include them in this legislation.

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#### Compliance

Mrs. Baugess reported that there are thirteen pending complaints and sixteen charged complaints pending hearings, settlements and Board orders.

The Board received fines from the following:

\$250.00 – Magetti-Gavin Funeral Home (complaint #1106138)

\$2500.00 – Howard-Rhoden Memorial Home (complaint #1104099)

Mrs. Baugess reported that there was 1 hearing held and there are 2 hearings scheduled. There are two report and recommendations outstanding.

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#### NOTE:

**On motions denoted with an asterisk (\*), the names and identifying information was redacted from discussion and proposed notices during the course of deliberation. Matters were referred to only by case number. Identifying information was added during the writing of the minutes based upon the correlating case number.**

#### Compliance Motion No. 1\*

On a motion by Mr. Betzer, seconded by Mr. Carter, the Board voted to issue a notice of Opportunity for Hearing to Timothy E. Werner (EMB 007740/FD 007189) for a violation of R.C. 4717.14 (A)(2) for which states: The applicant or licensee has been convicted of or has pleaded guilty to a felony or any crime involving moral turpitude; specifically for a guilty plea to the offense of forgery (felony fifth degree) in the Richland County Court of Common Pleas.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Abstain. Motion Passed.

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Compliance Motion No. 2

On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board voted to accept the settlement agreement negotiated by Cheryl Hawkinson, Assistant Attorney General and Steven. J. Foltz relative to the reinstatement of his funeral director's license and payment arrangements.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Nay; Wasko, Aye; Williams-Briggs, Nay. Motion Passed.

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Compliance Motion No. 3

On a motion by Mr. Fleming, seconded by Ms. Betzer, the Board voted to accept the settlement agreement negotiated by Cheryl Hawkinson, Assistant Attorney General and Juan Ferebee (FD 007673) and Sibley-Murray-Ferebee Funeral Home (FH003035) relative to complaint #1105129.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed

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Compliance Motion No. 5

On a motion by Mr. Carter, seconded by Ms. Betzer, based upon the advice of counsel and additional information, the Board voted to withdraw the Notice of Opportunity issued to Thor W. Triplett (FD 009100) and Triplett Funeral Home (FH 003186) relative to complaint #1211038.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 6

On a motion by Ms. Betzer, seconded by Mr. Carter, based upon the advice of counsel and additional information, the Board voted to withdraw the Notice of Opportunity issued to Gregory S. Brown (FD 007823) and Brown Funeral Home (FH 003187) relative to complaint #1209016.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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The Board reviewed a funeral director registration application from Nicole R. Johnson. Mrs. Johnson also submitted to the Board documents regarding her conviction of felony offenses. The Board concluded that Mrs. Johnson's Funeral Director registration

application should be denied pursuant to RC 4717.05(A)(1) and Ms. Johnson may request a hearing.

On a motion by Ms. Betzer, seconded by Mr. Marsh the Board voted to deny Ms. Johnson's application for funeral director's registration. Ayes: 6. Nays: 0. Motion Passed.

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On a motion by Ms. Betzer, seconded by Mr. Fleming, the Board voted to grant an embalmer and/or funeral director license to the following qualified applicants. Ayes: 6. Nays: 0. Motion approved.

License#	Name	Location	Issue date
EMB-9476 A FD-9523	Barnes, Britney T.	Cincinnati	02/27/12
EMB-9477 A FD-9524	Burkett, Lauren N.	Dayton	02/27/12
EMB-9478 A FD-9525	Cioci, Joshua D.	Alliance	02/27/12
EMB-9479 A FD-9526	Duris, Thomas A.	Hamilton	02/27/12
EMB-9480 A FD-9527	Waite, Christopher A.	Medina	02/27/12
EMB-9481 A FD-9528	Williams, Eric J.	Cleveland	02/27/12

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The Board reviewed a list of individuals, who were issued embalmer and/or funeral director registration numbers during the month of January 2012.

Registration#	Name	City	Issue Date
EMB-0434	Best, Stephen R.	Canal Fulton	1/24/12
FD-0652	Brickman, Suzanne M.	Eastlake	01/24/12
FD-0653	Dunlavy, Nathanael J.	Brookville	01/24/12
FD-0654	Tomon, Cody T.	Avon Lake	01/24/12

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The Board reviewed a list of Apprenticeships certified during the month of January 2012.

<b>Certification#</b>	<b>Name</b>	<b>Funeral Home</b>	<b>City</b>	<b>Effective Date</b>
EMB-0430 FD-0646	Carte, Jordan E.	Evans Funeral Home	Norwalk	01/06/12
EMB-0433 FD-0651	Heldman, Whitney A.	Tobias Funeral Home	Dayton	01/16/12
FD-0098	Jenkins, David S.	Linn-Hert-Geib FH	New Philadelphia	01/01/12
EMB-0431 FD-0648	Jenkins, Sarah E.	Boyer Funeral Home	Waverly	01/16/12
EMB-0425 FD-0640	Kirk, Jerry L.	Walter-Smith FH	Urbana	01/02/12
FD-0625	Loeding, Kenneth W.	Ripepi Funeral Home	Parma	01/04/12
EMB-0422 FD-0634	Lowe, John C.	Newcomer Funeral Home	Grove City	01/01/12
FD-0649	Reed, Rebecca J.	Reed Funeral Home	Canton	01/11/12
EMB-0410 FD-0610	Sallee, Gloria D.	Hughs, Allen FH	Marion	01/01/12
EMB-0429 FD-0644	Seeley, Kurt A.	Chiles-Laman FH	Lima	01/12/12
EMB-0432 FD-0650	Wedertz, David	Denzer Farison Hottinger & Snyder FH	Marion	01/04/12

Mrs. Linda Clark's report stated that in the month of January there were 1 new embalmer and 3 new funeral director registrations. There were 8 embalmer and 11 funeral director certified apprentices. There were 141 Embalmer apprentice reports, 23 Embalmer master reports for apprentices and 4 Board member embalmer apprentice interviews. There were 196 Funeral Director Apprentice reports, 32 Funeral Director Master Reports and 5 Board member funeral director apprentice interviews.

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Compliance Motion No. 7

On a motion by Mr. Carter, seconded by Ms. Betzer, the Board voted to authorize payment per the Order in the Court of Commons Pleas, Franklin County, Ohio – Triplett Chapel of Peace, LLC (Case No. 11CVH-08-10270).

Roll Call Vote: Betzer, Nay; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Motion No. 8

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers on the hearing held May 26, 2011 involving Deborah J. Weaver (FD 008652).

Motion by Ms. Betzer, seconded by Mr. Carter, to approve the Hearing Officer's Finding of Facts. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

Motion by Ms. Betzer, seconded by Mr. Carter, to approve the Hearing Officer's Conclusions of Law. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

Motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to approve the Hearing Officer's recommendation. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

Order of the Board: The allegations against Deborah J. Weaver in this matter are dismissed.

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Compliance Motion No. 9

The following motions were made pursuant to the Report and Recommendation of Hearing Officer, Marc E. Myers on the hearing held May 26, 2011 involving Deborah J. Weaver (FD 008652), Herbert T. Walker III (FD 009280) and Walker Funeral Home (FH 003139).

Motion by Ms. Betzer, seconded by Mr. Carter, to approve the Hearing Officer's Finding of Facts. Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

Motion by Ms. Betzer, seconded by Mr. Carter, to approve the Hearing Officer's Conclusions of Law. Roll Call Vote: Betzer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Nay. Motion Passed.

Motion by Ms. Betzer, seconded by Mr. Carter, the Board voted to approve the Hearing Officer's recommendation. Roll Call Vote: Betzer, Aye; Carter, Nay; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Nay. Motion Passed.

Order of the Board: The allegations against Deborah J. Weaver, Herbert T. Walker III and Walker Funeral Home in this matter are dismissed.

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Compliance Motion No. 10

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board voted to accept the settlement agreement negotiated by Cheryl Hawkinson, Assistant Attorney General and David S. Jablinski attorney for Hugh P. Gavin and Magetti Gavin Funeral Home Inc. relative to complaint #1106138.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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Compliance Mail #1

The Board reviewed a letter concerning change of firm title for the Showalter Blackwell Funeral Home located in College Corner, Ohio. The Board accepted the firm title change of "Showalter Blackwell Cartee Funeral Home." Mrs. Baugess will inform Mr. Cartee that all signage and advertisements must reflect the new firm title.

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Compliance Mail #2

The Board reviewed a letter concerning requesting continuation of the Miller-McFall Funeral Home in Cleveland, Ohio under the current name of Miller-McFall Funeral Home for an additional 12 months in order to facilitate a viable transfer of ownership.

On a motion by Mrs. Williams-Briggs, seconded by Ms. Betzer, the Board voted to grant an extension only until December 31, 2012 at which time, a new funeral home application will need to be filed.

Roll Call Vote: Betzer, Aye; Carter, Aye; Fleming, Nay; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed

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Mr. Dean Washington addressed the Board regarding the new license application for Washington Funeral Home. Mr. Washington explained that James Qualls "absolutely, positively, 100% has no connection to the funeral home".

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License Issue #1

There were no applications for crematory facility license for existing embalming facilities with a change of location or ownership.

On a motion by Mr. Marsh, seconded by Ms. Betzer, the Board approved the following application for a crematory facility license pending receipt of the occupancy permit and final inspection. Ayes: 6. Nays: 0. Motion approved.

<u>Crematory Facility</u>	<u>Location</u>	<u>County</u>
Ferncliff Cemetery Arboretum & CR	Springfield	Clark
Spring Grove Cemetery CR	Cincinnati	Hamilton

The Board previously approved the issuance of a crematory facility license to the following after approval of the application, receipt of the occupancy permit, and the final inspection.

<u>License no.</u>	<u>Crematory Facility</u>	<u>Location</u>	<u>Inspection</u>
CREM.000152	Ferncliff Cemetery Arboretum & Cr.	Springfield	2/16/12

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There were no applications for an embalming facility license for existing embalming facilities with a change of location or ownership.

There were no applications for an embalming facility license for new facilities pending receipt of the occupancy permit and a final inspection.

There were no previously approved applications for embalming facilities that submitted an occupancy permit and had a final inspection.

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On a motion by Mr. Carter, seconded by Ms. Betzer, the Board voted to approve the following applications for a funeral home license for the existing facility for the purpose of change in location and/or ownership. Ayes: 5, Nays: 0. Motion approved. Licenses effective February 27, 2012.

<u>License No.</u>	<u>Firm Title</u>	<u>Location</u>	<u>Inspection</u>
FH.003217	Childs-Williams FH	Pierpont	07/07/2011
FH.003218	Childs-Williams FH	Ashtabula	08/05/2011
FH.003219	DeJohn FH	Chardon	03/31/2011
FH.003220	Gednetz-Ruzek FH	Sebring	06/27/2011

On a motion by Mr. Fleming, seconded by Ms. Betzer, the Board approved the following applications for funeral home license pending receipt of occupancy permit and final inspection. Ayes: 6. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>
Foos Funeral Home	Clyde	Sandusky
Washington Funeral Home	Springfield	Clark

At a previous Board meeting, the Board approved the issuance of funeral home licenses to the following after approval of the application, receipt of the occupancy permit, and the final inspection.

<u>License No</u>	<u>Funeral Home</u>	<u>Location</u>	<u>Issue date</u>
FH.003214	Sean Gillen FH	Cincinnati	01-25-2012

FH.003215	Sean Gillen FH	Cincinnati	02-01-2012
FH.003216	Briceland FS, Inc.	Brookfield	02-08-2012

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Fiscal

Ms. Wright reported on fiscal matters. The Board Members reviewed the revenue journal that reflected that the Board collected \$6,890.73 in January for a total of \$62,934.70 in FY12. The Board reviewed a list of 16 vouchers and encumbrances for January, and the Budget Overview chart of allotments and expenses.

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Monthly inspector reports were submitted by inspectors Eric Anderson and Lisa Bruns for the month of January 2012. Reports are attached.

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Board Updates

Mrs. Baugess reported the following:

- OFDA Apprentice Seminar – Thursday, March 15, Jennifer Baugess and Robert Carter to attend and present.
- Annual Preneed Reports were mailed to all licensed funeral homes February 17 and all reports due no later than March 30, 2012.
- Next Board meeting March 19-20, 2012.
- OFDA Legislative Reception – Tuesday, March 20, 5-7pm
- Master Training – April 23 in Columbus
- OFDA Annual Convention – April 24-26

The Board adopted the meeting scheduled for fiscal year 2013.

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The Board meeting recessed at 4:06 P.M.

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Tuesday – February 28, 2012

The Board reconvened at 9:09 A.M. in the Riffe Center in Columbus, Ohio. President Robert Wasko presided. Present were Linda M. Betzer, Thomas T. Fleming, Ty Marsh, Pamela Williams-Briggs and staff members present were: Cheryl Hawkinson, Assistant Attorney General; Eric E. Anderson, Inspector; Lisa A. Bruns, Inspector; Jennifer Baugess, Administrative Assistant; and Lena Wright, Administrative Assistant.

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Compliance Motion No. 4

On a motion by Mr. Fleming, seconded by Ms. Betzer, based upon the February 8, 2012 Findings of Fact and Conclusions of Law from Judge Mark A. Serrott, the Board voted to withdraw the Notice of Opportunity for Hearing issued to Edwards Funeral Service and Jeffery L. Edwards dated 5/4/11 relative to complaint #1104098.

Roll Call Vote: Betzer, Aye; Carter, Absent; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

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The Chair instructed Ms. Baugess to prepare the notes from previous law committee meetings and to schedule a meeting for next month to discuss with Mr. McGough and Mr. Gilligan.

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On a motion by Ms. Betzer, seconded by Mrs. Williams-Briggs, the Board adopted a policy to allow the inspectors to work in the industry on their own time.

Roll Call Vote: Betzer, Aye; Carter, Absent; Fleming, Aye; Marsh, Aye; Wasko, Aye; Williams-Briggs, Aye. Motion Passed.

Inspectors were directed to send a letter and a copy of the policy to the Ethics Commission for review.

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#### Continuing Education

The following motions involve the continuing education programs considered by the Board during the February 2012 meeting, and are posted on the Board's website under Continuing Education.

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board approved, and where indicated denied, the Prior Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board acknowledged, the Blanket with date continuing education programs that were previously approved. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board approved, and where indicated denied, the Blanket Approval of continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Ms. Betzer, seconded by Mr. Marsh, the Board approved, and where indicated denied, the individual continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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On a motion by Mrs. Williams-Briggs, seconded by Mr. Fleming, the Board meeting adjourned at 10:15 A.M.

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Robert J. Wasko, President

Attest: \_\_\_\_\_  
Linda M. Betzer, Secretary-Treasurer

## Proposed Rule Addition

### Chapter 4717-14 Alkaline Hydrolysis

#### 4717-14-01 – Definitions

- (a) "Alkaline hydrolysis" means the reduction or dissolution of a dead human body to essential elements through exposure to a combination of heat, water and alkali material(s) and the repositioning or movement of the body during the process to facilitate reduction or dissolution, the processing of the remains after removal from the alkaline hydrolysis chamber, placement of the processed remains in a remains container, and release of the remains to an appropriate party. Alkaline hydrolysis is recognized as an Other Authorized form of final disposition under ORC § 3705.01
- (b) "Hydrolysis facility" means the physical location at which an Alkaline Hydrolysis chamber is located and the hydrolysis process takes place.
- (c) "Hydrolysis chamber" means the enclosed space within which Alkaline Hydrolysis takes place.
- (d) "Hydrolyzed remains" means all human or animal remains recovered after the completion of the hydrolysis process, which may include the residue of any foreign matter such as alternative container materials, clothing, dental work, eyeglasses, or implants that were hydrolyzed with the human or animal remains.
- (e) "Operator of an Alkaline Hydrolysis facility" means the sole proprietorship, Partnership, corporation, limited liability company, or other business entity responsible for the overall operation of an alkaline hydrolysis facility.
- (f) "Aquamation", "Resomation", "Water Resolution" are alternate terms that describe Alkaline Hydrolysis and shall have the same meaning.

#### 4717-14-02 – Fees and Charges

- (1) For the initial issuance of a license to operate an alkaline hydrolysis facility, two hundred dollars and biennial renewal of a license to operate an alkaline hydrolysis facility, two hundred dollars;
- (2) For the reinstatement of a lapsed license to operate an alkaline hydrolysis facility, the renewal fee prescribed in paragraph (1) of this rule plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

#### 4717-14-03 – Alkaline Hydrolysis facilities.

Requirements for Alkaline Hydrolysis facility license:

(1) Any licensed funeral director or embalmer desiring to operate an alkaline hydrolysis facility shall apply to the board on a form provided by the board, include the appropriate license fee, and establish that:

(A) The facility is at a fixed place or location;

(B) The facility is adequately equipped and maintained in a clean and sanitary manner. The alkaline hydrolysis facility shall contain only the articles and instruments necessary for carrying out the business of alkaline hydrolysis. The alkaline hydrolysis facility shall contain separate areas for the performance of hydrolysis and pulverization of dead human bodies and human body parts, and animals. The minimal requirements for the alkaline hydrolysis shall be as follows:

(C) The alkaline hydrolysis facility shall be in compliance with all applicable local and state building codes, zoning laws, and ordinances, environmental laws and OSHA requirements;

(D) The alkaline hydrolysis facility shall have, on site, a motorized mechanical device for processing hydrolyzed remains and must have, in the building or adjacent to it, a holding facility for the retention of dead human bodies or human body parts awaiting hydrolysis. The holding facility must be secure from access by anyone except the authorized personnel of the alkaline hydrolysis facility, preserve the dignity of the remains, and protect the health and safety of the hydrolysis personnel. The alkaline hydrolysis facility shall also maintain sufficient PH control equipment to comply with the department of environmental regulation requirements.

(2) No licensee with a license to operate a hydrolysis facility shall transfer a license to operate a hydrolysis facility from one owner or operator to another, or from one location to another, without notifying the board.

(3) A person who is licensed to operate a hydrolysis facility shall obtain a new license upon any change in the location of the hydrolysis facility or any change in the ownership of the business entity operating the facility that results in a majority of the ownership of the business entity being held by one or more persons who solely or in combination with others did not own a majority of the business entity immediately prior to the change in ownership. The person licensed to operate the hydrolysis facility shall surrender the current license to the Board within 30 days after such change occurs.

(4) No licensee with a license to operate a hydrolysis facility shall permit a body to be placed in the hydrolysis vessel that is not in compliance with ORC § 4717.13(B)(1)

#### **4717-14-04 - Inspections**

(1) Every alkaline hydrolysis facility licensed by the board shall make its records available for inspection to the board or the board's agents during reasonable hours.

(2) Failure to comply with the board's request during an inspection or investigation may result in disciplinary action.

#### **4717-14-05 - Prohibited conduct**

No person shall do any of the following:

(1) Operate a hydrolysis facility or perform hydrolysis without a license to operate the hydrolysis facility issued under this rule.

(2) Hydrolyze animals in a hydrolysis chamber in which dead human bodies or human body parts are hydrolyzed or hydrolyze dead human bodies or human body parts in a hydrolysis chamber in which animals are hydrolyzed.

(3) Hydrolyze a Human body before a period of at least twenty-four hours has elapsed since the decedent's death as indicated on a complete, nonprovisional death certificate filed under section 3705.16 of the Revised Code or under the laws of another state that are substantially equivalent to that section, unless, if the decedent died from a virulent communicable disease, the department of health or board of health having territorial jurisdiction where the death of the decedent occurred requires by rule or order the hydrolysis to occur prior to the end of that period;

(4) Hydrolyze a Human body without a hydrolysis authorization form authorizing the hydrolysis of a dead human body, other than one that was donated to science for the purposes of medical education or research. The Hydrolysis Authorization form shall comply with ORC § 4717.24 and contain similar authorizations as the cremation authorization form, but shall contain language specific to Alkaline Hydrolysis.

(5) Hydrolyze a Human body prior to being issued a valid Burial Transit Permit – Valid for Cremation or Alkaline Hydrolysis by the Ohio Department of Health.

(6) Fail to maintain identical/similar records in compliance with ORC § 4717.28 for all human bodies that have been hydrolyzed.

Effective:

R.C. 119.032 review dates: 04/10/2016

Promulgated Under: 119.03

Statutory Authority: 4717.04

Rule Amplifies: R.C.4717.01 R.C.4717.06 R.C.4717.07 R.C.4717.08 R.C.4717.11

Prior Effective Dates:

Time period start: 1/16/2012 end: 2/24/2012 Board Meeting 27-Feb-2012 FY 2012

Board Meeting	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total
mileage	2,789	2,225	2,712	3,304	2,089	3,419	1,878	3,338					21,754
apprentices	0	0	0	2	2	0	2	1					7
<i>Inspections - Annual</i>													<i>completed</i>
Crem Fac	2	1	5	2	2	5	3	1					21
Emb Fac	0	0	0	0	0	0	0	0					0
FH	40	33	36	70	27	45	25	36					312
Total	42	34	41	72	29	50	28	37	0	0	0	0	333
													<i>remaining</i>
													31
													2
													301
													334
<i>Inspections - Follow-up</i>													<i>completed</i>
Crem Fac	0	0	0	0	0	0	0	0					0
Emb Fac	0	0	0	0	0	0	0	0					0
FH	0	0	0	2	0	1	3	0					6
Total	0	0	0	2	0	1	3	0	0	0	0	0	6
<i>Inspections - New Facility</i>													<i>completed</i>
Crem Fac	0	1	0	0	0	0	0	1					2
Emb Fac	0	0	0	0	0	0	0	0					0
FH	0	0	0	0	0	1	1	1					3
Total	0	1	0	0	0	1	1	2	0	0	0	0	5
Investigations	9	9	17	24	21	10	10	15					115
Violations	0	0	1	0	0	1	0	0					2
Bd meetings	2	2	2	2	2	2	2	2					16
Bd office	2	2	1	1	1	2	2	1					12
Hearings								1					1
Training													0

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Inspector Anderson  
Reporting Period  
January 16, 2012 through February 24, 2012  
February 27-28, 2012 Board Meeting

	A	B	C	D	E	F	G
	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20120118	CREM 000150	PAQUELET CR	Stark	Joseph T Paquelet	Initial Inspection	In Compliance
2	20120120	FH 000138	ARBAUGH-PEARCE-GREENISEN F H INC	Columbiana	Ray Greenisen	Annual Inspection	In Compliance
3	20120120	FH 000152	STARK MEMORIAL INC	Columbiana	Rusell Louden	Annual Inspection	In Compliance
4	20120120	FH 002516	EELLS-LEGGETT-STAUFFER FUNERAL HOME	Columbiana	Charles Stauffer	Annual Inspection	In Compliance
5	20120120	FH 002517	WEBER FUNERAL HOME	Columbiana	Gregg Weber	Annual Inspection	In Compliance
6	20120120	FH 002813	BROWN FUNERAL HOME	Columbiana	No one available	Annual Inspection	
7	20120126	FH 002628	OLIVER-LINSLEY FH	Columbiana	Roger Linsley	Annual Inspection	In Compliance
8	20120126	FH 002984	VAN DYKE-SWANNEY-RETTIG FH	Columbiana	No one available	Annual Inspection	
9	20120130	FH 000076	TOOTHMAN FUNERAL HOME	Belmont	No one available	Annual Inspection	
10	20120130	FH 000805	HARPER FUNERAL HOME	Montoe	No one available	Annual Inspection	
11	20120130	FH 002426	BAUKNECHT-ALTMeyer FH	Belmont	No one available	Annual Inspection	
12	20120130	FH 002427	BAUKNECHT-ALTMeyer FH	Belmont	No one available	Annual Inspection	
13	20120131	FH 000853	STONE-MATHENEY FUNERAL HOME	Morgan	Terry Fleming	Annual Inspection	In Compliance
14	20120131	FH 001818	MILLER-HUCK FUNERAL HOME INC	Morgan	Richard Huck	Annual Inspection	In Compliance
15	20120131	FH 001899	MATHENEY FUNERAL HOME	Morgan	Unlocked/ Walked Thru	Annual Inspection	In Compliance
16	20120131	FH 002641	MORRISON FUNERAL CHAPEL	Morgan	Ida Keith	Annual Inspection	In Compliance
17	20120201	FH 000931	SNYDER FUNERAL HOMES INC	Richland	Sean Snyder	Annual Inspection	In Compliance
18	20120201	FH 000932	SNYDER FUNERAL HOMES INC	Richland	Sean Snyder	Annual Inspection	In Compliance

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1	FH 000934	WAPPNER FUNERAL DIRECTORS	Richland	Debbi Watkins	Annual Inspection	In Compliance
20	FH 002079	TURNER FUNERAL HOME INC	Richland	Jacob Penwell	Annual Inspection	In Compliance Monitored apprentice, Jacob Penwell
21	FH 002718	BARNDULL FUNERAL HOME INC	Richland	Funeral in progress/ did not enter	Annual Inspection	
22	CREM 000128	OHIO FUNERAL SUPPORT SVCS	Knox	Jeff Briggs	Annual Inspection	In Compliance
23	FH 000618	FLOWERS-SNYDER FUNERAL HOME	Knox	Todd Leedy	Annual Inspection	In Compliance
24	FH 001194	SNYDER FUNERAL HOME	Knox	Todd Leedy	Annual Inspection	In Compliance
25	FH 001355	FISCHER FUNERAL HOME INC	Knox	No one available	Annual Inspection	
26	FH 001547	DOWDS-SNYDER FUNERAL HOME	Knox	Jeff Briggs	Annual Inspection	In Compliance
27	FH 002996	DILLEY-LASATER FH	Knox	Unlocked/Walked Thru	Annual Inspection	In Compliance
28	FH 002997	DILLEY-LASATER FH	Knox	Moses Hamilton	Annual Inspection	In Compliance
29	FH 001126	CAWLEY & PEOPLES FH'S	Washington	Bill Peoples	Annual Inspection	In Compliance
30	FH 002423	HADLEY FUNERAL HOME	Washington	John Hadley	Annual Inspection	In Compliance
31	FH 003085	MCCLURE-SCHAFFER-LANKFORD FH	Washington	Shelia Lankford	Annual Inspection	In Compliance
32	FH 003216	BRICELAND FS INC	Trumbull	Daniel Briceiland	Initial Inspection	In Compliance
33	FH 000604	EVERHART-BOVE FUNERAL SERVICE, INC	Jefferson	Wayne Everhart	Annual Inspection	In Compliance
34	FH 001940	CLARK-KIRKLAND FUNERAL HOME INC	Harrison	Clint Barr	Annual Inspection	In Compliance
35	FH 002951	BORKOSKI FH	Harrison	No one available	Annual Inspection	
36	FH 001230	MURPHY & MCCURDY FUNERAL HOME	Noble	No one available	Annual Inspection	
37						

Inspector Anderson  
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 January 16, 2012 through February 24, 2012  
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	A	B	C	D	E	F	G
	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20120216	FH 003193	FARUS FH	Guernsey	Matt Farus	Annual Inspection	In Compliance
38	20120216	FH 003194	FARUS FH	Muskingum	Matt Farus	Annual Inspection	In Compliance
39							

Time period start: 1/16/2012 end: 2/24/2012 Board Meeting 27-Feb-2012 FY 2012

Board Meeting	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Year total
mileage	468	1,037	1,239	874	1,005	2,455	811	1,841					9,730
apprentices	0	0	2	3	4	5	4	3					21
<i>Inspections - Annual</i>													
Crem Fac	2	1	1	0	0	7	6	2					19
Emb Fac	0	0	0	0	0	0	0	0					0
FH	17	18	22	12	22	54	30	26					201
<b>Total</b>	19	19	23	12	22	61	36	28					352
													389
													remaining
<i>Inspections - Follow-up</i>													
Crem Fac	0												0
Emb Fac	0												0
FH	1	0						1					2
<b>Total</b>	1	0	0	0	0	0	0	1					2
													0
													0
<i>Inspections - New Facility</i>													
Crem Fac	0							1					1
Emb Fac	0												0
FH	1	1	1	0	1	1	1	3					9
<b>Total</b>	1	1	1	0	1	1	1	4					10
													0
													0
Investigations	78	83	23	18	21	37	24	17					301
Violations	2	0	0	0	0	4	0	0					6
Bd meetings	2	2	2	2	2	2	2	2					16
Bd office	11	9	7	11	4	6	6	10					64
Hearings	0	3	3	4	1	1	0	3					15
Training	0	0	0	0	0	0	0	0					0

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Inspector Bruns  
Reporting Period  
January 16, 2012 through February 24, 2012  
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Inspection Date	Credential Number	Name	County	Contact	Reason	Comments	
1	20120118	FH 002861	DECK-HANNEMAN FH	Wood	Kraig Hanneman	Annual Inspection	In Compliance
2	20120118	CREM 000107	REMEMBRANCE CREMATORY	Wood	Kraig Hanneman	Annual Inspection	In Compliance
3	20120125	FH 000492	JOHN HODAPP SONS INC	Hamilton	Jeffrey Hartmann	Annual Inspection	In Compliance
4	20120125	FH 002310	NEIDHARD-SNOW FH	Hamilton	Wendy Fisch	Annual Inspection	In Compliance
5	20120125	FH 003177	NEWCOMER FH	Hamilton	Brenda Byrd	Annual Inspection	In Compliance
6	20120125	FH 000541	PAUL R YOUNG FUNERAL HOMES INC	Hamilton	Albert Hinkel	Annual Inspection	In Compliance
7	20120125	FH 003215	SEAN GILLEN FH	Hamilton	Sean Gillen	Initial Inspection	Holding room in compliance but unaccessible for a cot.
8	20120209	FH 002623	SKILLMAN, McDONALD & VERNON FH	Champaign	Rodney Wilkins	Annual Inspection	In Compliance
9	20120209	FH 002726	VERNON FUNERAL HOME	Champaign	Dana Beckner	Annual Inspection	In compliance
10	20120209	FH 002944	WALTER-SMITH FH	Champaign	Wayne Smith	Annual Inspection	In compliance
11	20120209	FH 001609	EICHHOLTZ FUNERAL HOME	Logan	Rush Eichholtz	Annual Inspection	In Compliance
12	20120209	FH 003038	JENNINGS FARLEY FH	Logan	Rick Farley	Annual Inspection	In Compliance
13	20120209	FH 002435	KAUFFMAN-EICHHOLTZ FUNERAL HOME	Logan	Dane Darling	Annual Inspection	In Compliance
14	20120209	FH 000664	REXER-RIGGIN-MADDEN FUNERAL HOME	Logan	Connie Madden	Annual Inspection	In Compliance
15	20120214	FH 002262	THOMAS-JUSTIN FUNERAL HOME	Hamilton	Jay Justin	Annual Inspection	In Compliance
16	20120214	FH 002830	WITT, GOOD & KELSCH FUNERAL HOME	Hamilton	Thomas Kelch	Annual Inspection	In Compliance
17	20120215	CREM 000017	FARES J RADEL CREMATORY	Hamilton	Belinda Hill	Annual Inspection	In Compliance
18	20120215	FH 003080	HAY FH	Hamilton	Jeff Hay	Annual Inspection	In Compliance

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	Inspection Date	Credential Number	Name	County	Contact	Reason	Comments
1	20120215	FH 002873	MIHOVK-ROSENACKER FHS	Hamilton	Francis M. Schmidt	Annual Inspection	In Compliance
20	20120215	FH 002507	MIHOVK-ROSENACKER FHS INC	Hamilton	Karen Mihovk	Annual Inspection	In Compliance
21	20120215	FH 000513	RADEL FUNERAL SERVICE CO	Hamilton	Matthew Hollandsworth	Annual Inspection	In compliance
22	20120215	FH 000539	T P WHITE & SONS CO	Hamilton	Steven Eppert	Annual Inspection	In Compliance
23	20120216	FH 003176	JOHN HODAPP SONS INC	Butler	Clinton Eastman	Annual Inspection	In Compliance
24	20120216	FH 002942	JACKSON LYTLE & LEWIS FH	Greene	No One Available	Annual Inspection	
25	20120216	FH 002412	MCCOLAUGH FUNERAL HOME	Greene	Michael Randolph	Annual Inspection	In Compliance
26	20120216	FH 000452	NEELD FUNERAL HOME INC	Greene	Michael T. Neeld	Annual Inspection	In Compliance
27	20120216	FH 003027	PORTER-QUALLS-DUNLAP FH	Greene	Rev. John Freeman	Annual Inspection	In Compliance
28	20120216	FH 002625	STUBBS-CONNER FH	Warren	Brad Conner	Annual Inspection	In Compliance
29							