

Board of Embalmers and Funeral Directors Committee on JCARR Rules Review (Tuesday, November 22, 2016)
Generated by Jarrod Williams on Wednesday, December 7, 2016

Meeting called to order at 1:14 p.m.

1. Convening of the Committee

Procedural: 1.01 Roll Call

Mr. William Wappner called the committee meeting to order. Committee members Ms. Jill Pugh, Mr. Thomas Taneff, and Mr. Wappner were present. Also in attendance were Mr. Eric Anderson, Ms. Linda Clark, Mr. Danny Finfrock, Mr. Jon Rettig, Mr. Troy Seehase, and Mr. Jarrod Williams.

Mr. Wappner stated that the purpose of the committee was to review the rules as written in Ohio Administrative Code Chapter 4717 and provide recommendation to add new rules, amend current rules, or remove rules.

Information: 1.02 Review of previous committee meeting minutes

Discussion: 1.03 Review of Ohio Administrative Code 4717

4717-1-01 Definitions

Ms. Pugh suggested that actually in charge (AIC) and manager are redundant terms. She questioned if either of their definitions should be changed. There was discussion on responsibilities of a manager versus an AIC.

Mr. Wappner suggested that 4717-1-01 (D) "Business or profession of directing or supervising funerals for profit", means... the selling or soliciting of funeral service... is perceived as work that licensed funeral directors and licensed insurance agents share. However, there has been debate on whether the licensed insurance agent is selling pre-need insurance or pre-need funeral services. By law, agents may only sell the insurance product to fund the pre-need services contract. There was discussion on the roles of funeral directors and insurance agents selling pre-need funeral service contracts.

Mr. Taneff stated that when he was appointed to The Ohio Board of Cosmetology, he was advised to stay out of the way of small business when it comes to rules, but not when it concerns protecting citizens.

There was discussion on at-need and pre-need funeral services. Ms. Pugh suggested that not enough licensed funeral directors hold a license to sell insurance. She went on to say that a funeral director license is needed to sell at-need funerals.

Mr. Rettig suggested a consumer benefits by purchasing pre-need insurance from a licensed funeral director because the director has been educated in their line of work and has satisfied additional stringent requirements to obtain their license. In comparison, a person may obtain a license to sell pre-need insurance through a few days training

course.

Mr. Taneff suggested the debate about licensed insurance agents who aren't licensed funeral directors is commission versus regulation.

Mr. Wappner acknowledged the board's rules cannot impede insurance licensing.

Mr. Wappner suggested that 4717-1-01 (H) "Full time" with regard to licensure of funeral directors... means an average of forty hours a week during any calendar month; be changed. He asked for opinions about removing "during any calendar month." There was discussion on interpretation of "full time." Mr. Wappner recommended removing "during any calendar month" from the end of the sentence. There was a consensus among the committee to accept Mr. Wappner's recommendation.

Mr. Wappner questioned the committee if they wished to make individual motions on changes or compile the changes to just one motion at end of meeting. There was a consensus among the committee to make one motion.

4717-1-02 Public meetings.

Mr. Wappner suggested 4717-1-02 (C) Any person may provide an email address and be placed on a electronic mailing list for advanced notification... The requester may request notification be provided by fax or first class mail; to be changed. He recommended replacing "electronic mailing" with the more common used term of "email" and adding "email" to the choices of notification. There was a consensus among the committee to accept Mr. Wappner's recommendations.

4717-1-03 Notice of administrative rules hearing.

There was no discussion among the committee. No changes.

4717-1-04 Legal representation.

There was no discussion among the committee. No changes.

4717-2-01 Meetings of the board.

There was discussion on special meetings and emergency meetings of the board. The committee referenced Ohio Sunshine Laws.

Mr. Wappner suggested the sentence, Special meetings of the board may be called by the president with at least five days prior notice being given to its members; be changed. He recommended replacing "at least five days" with "twenty four hours."

There was a consensus among the committee to accept Mr. Wappner's recommendation.

4717-2-02 Committees of the board.

There was no discussion among the committee. No changes.

4717-2-03 Duties of the officers.

Mr. Taneff suggested the president should oversee the executive director instead of the secretary-treasurer. There was discussion on the role and duties of the secretary-treasurer.

Mr. Wappner suggested 4717-2-03 (C) The secretary-treasurer of the board shall supervise the executive director... all clerical duties; to be changed. He recommended replacing "secretary-treasurer" with "president." There was consensus among the committee to accept Mr. Wappner's recommendation.

4717-2-04 Crematory Review Board.

There was no discussion among the committee. No changes.

4717-2-05 Personal information system.

There was no discussion among the committee. No changes.

4717-3-01 Fee and charges.

There was discussion on the incorrect dollar amounts listed. In the year 2013, the dollar amounts were amended in Ohio Revised Code Chapter 4717 due to approval of a legislative bill. There was consensus among the committee that the dollar amounts need to be updated to reflect the amended dollar amounts as written in Ohio Revised Code Chapter 4717.

4717-4-01 Requirement for embalmer's license.

There was discussion on the length of months during an apprenticeship.

Ms. Pugh questioned 4717-4-01 (B) (3) The applicant shall satisfactorily complete not less than twelve months... at least twenty-five dead human bodies under the direct supervision of the master embalmer, and must complete... his or her apprenticeship; if it were appropriate to remove "master" from embalmer. There was discussion on the interpretation of direct supervision. There was consensus among the committee that an apprentice's trainer would have a master funeral director and/ or a master embalmer certificate.

Ms. Pugh suggested 4717-4-01 (B) (5) The apprentice shall report to any board member within thirty days after the first six months... and shall report to any board member annually... period of apprenticeship; be changed. She recommended to add "licensed" in front of board member. There was discussion on past non-licensed board members interviewing apprentices. There was a consensus among the committee to accept Ms. Pugh's recommendation.

4717-4-02 Requirements for reciprocal embalmer's license.

Ms. Pugh suggested 4717-4-02 (A) The applicant shall personally appear before the board for an interview... furnish the board; to be changed. She recommended to replace "shall" with "may." There was consensus among the committee to accept Ms.

Pugh's recommendation.

Ms. Pugh questioned 4717-4-02 (3) (a) Unless the applicant has been licensed for at least ten years in another state to perform embalming... university is located; if it were appropriate to change to "In lieu of a bachelor's degree, the applicant must be licensed for at least ten years in another state." She suggested the original sentence may be too confusing.

4717-4-03 Requirements for funeral director's license in combination with an embalmer's license.

Mr. Wappner suggested that 4717-4-03 (A) through (E) be changed. He recommended the term "funeral director" should be replaced with "funeral director/embalmer" in all sections. There was consensus among the committee to accept Mr. Wappner's recommendation.

4717-4-04 Requirements for funeral director's license without an embalmer's license.

Mr. Wappner questioned if a funeral director apprentice was required to complete a national examination like an embalmer apprentice. Ms. Clark answered that a funeral director apprentice only needs to complete a state laws and rules board examination.

Mr. Rettig shared concern about examinations not being up to date with state laws and rules.

Mr. Wappner suggested 4717-4-04 (B) (5) The apprentice shall report to any board member within thirty days after the first six months... and shall report to any board member annually... period of apprenticeship; be changed. He recommended to add "licensed" in front of board member. There was consensus among the committee to accept Mr. Wappner's recommendation.

4717-4-05 Requirements for reciprocal funeral director's license.

Mr. Wappner suggested 4717-4-05 (A) The applicant shall personally appear before the board for an interview... furnish the board; to be changed. He recommended to replace "shall" with "may." There was consensus among the committee to accept Mr. Wappner's recommendation.

A motion was made by Thomas Taneff, seconded by Jill Pugh, to amend the rules of Ohio Administrative Code 4717-1-01 through 4717-5-01 as recommended by the committee.

Jill Pugh: Yes

Thomas Taneff: Yes

William Wappner: Yes

Motion carries.

2. Adjournment

A motion was made by Thomas Taneff, seconded by Jill Pugh, to adjourn the meeting.

Jill Pugh: Yes

Thomas Taneff: Yes

William Wappner: Yes

Motion carries.

The November 22, 2016 Board of Embalmers and Funeral Directors Committee on JCARR Rules Review adjourned at 3:00 p.m.