

Public Hearing on proposed amendments to rules (Thursday, April 27, 2017)

Generated by Jarrod Williams on Monday, May 1, 2017

Representatives of Ohio Board of Embalmers and Funeral Directors present

Board President Jon Rettig

Board Member Jill Pugh

Interim Executive Director Danny Finfrock

Board Counsel Christie Limbert

Program Administrator Jarrod Williams

Hearing called to order at 11:01 a.m.

Hearing Agenda:

1. Proposed Amendments to rules

Information: 1.01 Proposed Amendments to rules**NOTICE OF PUBLIC HEARING**

Acting under the authority of the Ohio Revised Code Sections 119.03 to 119.13, and 4717.04,

the State of Ohio Board of Embalmers and Funeral Directors hereby announces a public

hearing will be held on Thursday, April 27, 2017 at 11:00 a.m. in Room 1948, 19th Floor,

Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio

43215.

The public hearing will be conducted for the purpose of soliciting comments regarding the amendments of the following rules:

4717-1-01 Definitions.

4717-1-02 Public meetings.

4717-1-03 Notice of administrative rules.

4717-2-01 Meetings of the board.

4717-2-03 Duties of the officers.

4717-3-01 Fees and charges.

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

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

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

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

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

4717-5-01 Apprentice requirements.

4717-5-03 Apprenticeship.

4717-7-01 Fixed place or location and general requirements for licensure of funeral homes and embalming facilities.

4717-7-02 Requirements for funeral home licensure.

4717-7-04 Crematory facilities.

4717-7-05 Embalming facilities.

4717-9-01 Continuing education requirements.

4717-9-02 Exemptions or waivers from continuing education.

4717-12-01 Forfeitures.

On the date and at the time and place designated in this notice, any person may appear and be heard in person, by an attorney, or both; and may present their position, argument, or contention orally or in writing; and may offer witness and present evidence to show that any proposal, if amended or effectuated, will be unreasonable or unlawful. Written comments may be submitted to the board office in advance of public hearing in person during normal business hours or by U.S. Postal Service to the board's mailing address.

The proposed rules are available on the Register of Ohio's website at www.registerofohio.state.oh.us and on the Board's website at www.funeral.ohio.gov.

Hearing notation: Mr. Jon Rettig called the hearing to order at 11:01 a.m. He communicated the following:

- Mr. Rettig stated the hearing was to listen to public comment about the proposed amendments to rules regarding funeral service;
- Mr. Rettig reminded all that this was not a state board meeting and there would be no action taken;
- Mr. Rettig introduced each person in attendance representing the Ohio Board of Embalmers and Funeral Directors;
- Mr. Rettig stated the hearing was being recorded by audio for an audible record;
- Mr. Rettig stated that the next step after the hearing, [comments] will go back to the Board for consideration and then on to JCARR Committee tentatively scheduled for May 30, 2017;
- Mr. Rettig stated that a synopsis of the hearing will be written and submitted to JCARR.

Mr. Rettig asked if there were any members of the public that wished to comment.

Mr. Terry Palmer commented.

Mr. Rettig asked if Mr. Palmer wished to provide copy of his written testimony. Mr. Palmer responded he would send a copy to the interim executive director by email.

Mr. Jack Lechner, Jr. commented.

Mr. Rettig asked if Mr. Lechner, Jr. wished to provide copy of his written testimony. Mr. Lechner, Jr. responded he would send a copy to the interim executive director by email.

Mr. Rettig announced that all public comments have been heard.

Mr. Rettig adjourned the hearing at 11:10 a.m.

Hearing adjourned at 11:10 a.m.

The following is copy of the Hearing Summary Report submitted to Joint Committee on Agency Rule Review (JCARR).

Hearing Summary Report

Hearing Date: 04/27/2017

Today's Date: 04/27/2017

Agency: Ohio Board of Embalmers and Funeral Directors

Rule Number(s): 4717-1-01, 4717-1-02, 4717-1-03, 4717-2-01, 4717-2-03, 4717-3-01, 4717-4-01, 4717-4-02, 4717-4-03, 4717-4-04, 4717-4-05, 4717-5-01, 4717-5-03, 4717-7-01, 4717-7-02, 4717-7-04, 4717-7-05, 4717-9-01, 4717-9-02, 4717-12-01

If no comments at the hearing, please check the box.

List organizations or individuals giving or submitting testimony before, during, or after the public hearing and indicate the rule number(s) in question.

1. Terry L. Palmer, CFSP, Immediate Past President of the Ohio Funeral Directors Association (OFDA) presenting oral testimony during public hearing on behalf of OFDA concerning rule 4717-9-01.
2. Jack E. Lechner, Jr., CFSP, CT, President of Cincinnati College of Mortuary Science (CCMS) presenting oral testimony during public hearing on behalf of CCMS concerning rule 4717-9-01.

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Mr. Terry Palmer represented Ohio Funeral Directors Association (OFDA) at the public hearing to convey support of the Board's proposed rule amendments. Mr. Palmer stated his organization is pleased with the recommended changes being implemented and supportive of the actions being contemplated by the Board.

OFDA supports the implementation, in particular, of the continuing education requirements that have been proposed.

OFDA is interested in voicing its opinion concerning the implementation and a timeline for the continuing education (CE) requirements as proposed in rule 4717-9-01. OFDA asks the Board to consider starting the changes at the next compliance period, as opposed to doing it as an interim. The reasons for this are varied and, in some cases, pretty obvious. Mr. Palmer explained that delaying the implementation until the compliance period beginning January 2019 would allow the Board to be totally prepared for this implication; especially with the online offerings. It would also allow the Board to establish the internal processes and criteria needed for stakeholder compliance. OFDA, like the Board, wishes to ensure that its members and all licensees in the state will be able to comply with the changes. A delayed implementation would also allow existing online providers to modify their approved CE courses to be compliant with the new security features which will be instituted. It allows organizations wishing to establish an online CE presence an ample development period to make sure that their offering is a quality CE product.

Mr. Palmer opined that over the years there has been a wide disparity in the quality of continuing education offered. OFDA would like to ensure that what is being presented, especially to the OFDA memberships and all licensees in the State of Ohio, is something that's going to be worthwhile. Also, OFDA thinks the delayed implementation would allow organizations to enhance the quality of what they are going to present.

Mr. Palmer shared a scenario that OFDA contemplated. For example, if the Board decided to not delay the implementation and go ahead with it, OFDA is concerned about situations where there might be licensees in the State of Ohio who have already completed their CE for the compliance period and do not have the required units in Preneed, Laws, or Ethics. This would require them to go back and add six more hours. Mr. Palmer stated that preneed, law and ethics are important mandatory course inclusions, but it puts some of OFDA's membership in a situation where they are going to do more. Mr. Palmer opined on a personal level, as a member of OFDA, it would not make a difference to him, but there are a lot more licensees in the State of Ohio who do not belong to OFDA as opposed to those who do.

Mr. Palmer, on behalf of OFDA, respectfully asked the Board to consider delaying implementation.

Mr. Jack Lechner, Jr. represented Cincinnati College of Mortuary Science (CCMS) at the public hearing. Mr. Lechner, Jr. stated his organization was interested in sharing its concerns about amendments to the continuing education requirements as proposed in rule 4717-9-01. Mr. Lechner, Jr. commented that his presentation would have been similar to Mr. Palmer's and declared support for the position and recommendation of Ohio Funeral Directors Association.

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

No comments were incorporated into the rule as of the writing of this Hearing Summary Report. The President of Ohio Board of Embalmers and Funeral Directors wishes to share the commentary from the hearing with fellow board members and seek collective opinion on any revision to the rule by the Board subsequent to the hearing.