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Jon W. Rettig Sr.
Board Member

George Horne
Board Member

Amanda E. Crates
Board Member

Minutes of the September 16, 2020

The State of Ohio Board of Embalmers and Funeral Directors' Education and Examination Committee

Wednesday, September 16, 2020

9:30 a.m.

Pursuant to Section 4717.03 (A) of the Ohio Revised Code, the State of Ohio Board of Embalmers and Funeral Directors convened its regular meeting of the Board's Education and Examination Committee to discuss the Board's business. The meeting was conducted by means of a teleconference call as permitted through a provision to the Open Meetings Act that permits members of public bodies to hold and attend meetings by means of electronic technology. The provision was enacted by the Ohio General Assembly through Substitute House Bill 197 in March 2020.

1. Convening of the Committee – Chairperson Rettig

Calling of the Roll

Chairperson Jon W. Rettig, Sr. called the meeting to order at 9:30 a.m. Executive Director of the Board Cheryl Grossman took roll call for the meeting. The following committee members were in attendance of the meeting:

Amanda E. Crates; George Horne, II; Edward C. Nurre, Jr.; Jon W. Rettig, Sr.

Jarrold Williams of the board office staff took attendance of persons attending the committee meeting by teleconference. In attendance were the following: Cathy Elkins of Funeral Consumers Alliance of Central Ohio; Jack E. Lechner, Jr. and Beth Williams of Cincinnati College of Mortuary Science; Melissa Sullivan of Ohio Funeral Directors Association; and Anthony Northrup, embalmer, and funeral director apprentice.

Also, in attendance were Board Member William C. Wappner, Board Counselor Christie Limbert, and Continuing Education Coordinator Kim Bourk.

Mr. Rettig welcomed all to the committee meeting.

Mr. Rettig asked the committee members if they had opportunity to review the meeting materials presented by Kim Bourk, and further asked if there were any questions before the committee goes over the lists of continuing education programs for consideration today. There were no questions.

Mr. Rettig requested that Ms. Bourk begin. Kim Bourk thanked Mr. Rettig for the opportunity to speak. Ms. Bourk stated that the committee members had one list of programs to be considered containing twelve programs, submitted by nine program providers. She stated that there was a

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variety of in-person and online programs and each has been clearly identified in the list for clarity.

William Wappner questioned aloud why the programs submitted by Funeral Directors Life Insurance Company did not indicate what category (i.e.: ethics, preneed, or laws and rules) the program covered. Ms. Bourk replied that the provider did not specifically request it. Mr. Wappner suggested the program should indicate the category.

Mr. Rettig asked Mr. Wappner if he thought Ms. Bourk should contact the program provider to learn what they intended. Ms. Bourk remarked that she would investigate it.

Mr. Rettig informed that not all program providers are applying to the board appropriately for approval of webinar and online continuing education programs. He added that oftentimes applications are submitted without required question sets with answers. There was discussion on the Board's rules relevant to submitting continuing education programs as found in Chapters 4717-9-04 (Online) and 4717-9-05 (Webinar).

Mr. Rettig shared his recent experience with attending a webinar on the topic of crematory operation through Ohio Funeral Directors Association. He described the program's content and the opportunity to participate in discussion, and questions in real-time. Mr. Rettig stated that the webinar was informative and offered appropriate questions to its attendees. He noted that the webinar was later offered as an online program.

There was discussion about the differences between webinar and online continuing education programs.

Mr. Rettig thanked Melissa Sullivan and Jack Lechner for attending the committee meeting today. He asked that they join in the discussion when appropriate.

Mr. Rettig opined that the eight questions per one hour of course time that the Board requires during a webinar program may not be necessary due to the ability of the provider to attest that an attendee is present. He shared his belief that questions are necessary for online programs, particularly to ensure that the viewer is engaged in the course.

Mr. Rettig informed that not all continuing education program providers are applying to the board as required. He added that Ms. Bourk informed him that applications are regularly submitted on a provider's own application. Mr. Rettig stated that he has spoken to a few providers about this to hopefully correct the issue and provided summary of those conversations. He asked if there were any comments.

Melissa Sullivan commented that she agrees with Mr. Wappner's recommendation that program providers indicate the specific crediting of program hours on the board's application. She added that this is important to licensees who are seeking to fulfill the Board's requirement of obtaining continuing education hours in the topics of ethics, preneed or laws and rules.

Mr. Rettig thanked Ms. Sullivan for her comment. He added that the world has changed since COVID-19 affected businesses and individuals as it has. Mr. Rettig understands that the future of continuing education is trending towards more online material and the Board must continue to adapt to accommodate that transition.

Jack Lechner commented that webinars are "live" and persons attending can be accounted for. He agreed that testing during the online course is a good idea but shared that compiling a bank of specific questions and the bank of random questions is still problematic for program providers.

Mr. Rettig stated that the Board itself is not compliant, being that it does not provide questions for those in attendance to its “live” meetings. He remarked that all should be following the rule of establishing four questions per thirty minutes of continuing education and maintaining at least eight for each thirty minutes that can be scrambled and randomly selected so that test questions are not predictable.

Mr. Wappner questioned if the continuing education program submitted by OFDA District 8 named “Mortuary Law” requested a specific crediting of its two hours to laws and rules. Kim Bourk responded by stating that she researched the answer for Mr. Wappner’s earlier question about FDLIC’s application and informed that she believed there was intent to specify one hour of preneed for that program. Ms. Bourk stated that she will correct that listing. Ms. Bourk added that she will research the application from OFDA District 8.

Mr. Rettig asked the committee if there were any more comments about the programs for consideration.

Ms. Bourk informed Mr. Wappner that she reviewed the application in question. Mr. Wappner apologized and stated that he incorrectly identified the course and informed Ms. Bourk he meant to reference the other application they submitted. Ms. Bourk responded that she will review the other application.

Mr. Rettig asked the committee how they would like to proceed with treating entities not using the Board’s application for approval of continuing education programs. He reminded all that Ms. Bourk indicated that some of the provider’s forms include all the necessary information – and some do not. There was consensus among the committee members that all applicants for approval of continuing education programs should use the Board’s application.

Mr. Wappner questioned if national organizations were not utilizing the Board’s application. Mr. Rettig replied affirmatively that even national organizations were submitting their own applications.

Mr. Rettig suggested that Executive Director Cheryl Grossman draft a letter informing continuing education program providers of the Board’s concerns about the use of the appropriate application.

Kim Bourk informed Mr. Wappner that after review of the application from OFDA that he had a question about, she found that there was no request for crediting of hours. George Horne suggested contacting the applicant. He further added that the Board has provided leniency through these difficult times and recommended to continue allowing exceptions until COVID-19 is behind us.

Edward Nurre remarked that the Board’s application has a box for the applicant to enter a checkmark indicating their preference of category the hours to be credited.

Edward Nurre moved for the committee to approve the continuing education programs as presented. The motion was seconded by George Horne. Mr. Rettig asked for discussion on the motion.

Mr. Nurre informed that he would like to amend his motion to include the committee’s recommendation for approval to the board.

Edward Nurre moved for the committee to approve providing a recommendation to the Board to approve the continuing education programs with suggested revisions to applications from FDLIC and OFDA as discussed. The motion was seconded by George Horne. Mr. Rettig asked for discussion on the motion. There was no discussion. All committee members voted “YES”. Motion carried 4/0.

Mr. Rettig shared that Kim Bourk has informed him that requests from individual licensee's seeking credit for attendance and participation in an educational activity out of the state of Ohio which is not approved prior to the date of the activity are occurring more frequently. He added that several of the requests were for Zoom meetings that are reported to have originated in a state other than Ohio.

Mr. Nurre asked Mr. Rettig to confirm his belief that an individual cannot request credit unless that person attended the activity outside of the state. Mr. Rettig replied that he believed Mr. Nurre was correct.

Mr. Lechner shared that he holds a funeral director license from the state of Virginia and obtains his continuing education hours required to maintain that licensure entirely online. He added that he checks with the state first for approved providers and their courses, then completes a course, takes the test, and earns his certificate of completion. He suggested the Board compile a list of approved providers to assist a licensee.

Ms. Bourk reminded all that the Board approves continuing education programs, largely based on relevant and satisfactory content, not continuing education program providers. Mr. Rettig agreed with Ms. Bourk's statement and added that it was his hope for this board to be proactive for the future of continuing education.

Mr. Lechner shared "APEX" as an example of a nationally approved online continuing education program provider. He added that "APEX" is not currently approved in Ohio, but the provider gives an individual the resources needed by delineating the content and credit hours to achieve compliance with their state requirements.

Ms. Bourk commented that many licensees view online continuing education programs as approved, regardless if they have been vetted or not. She added that this is a problem for the licensee because only programs approved by the Board are eligible for crediting towards the Board's eighteen hours continuing education requirement.

Cheryl Grossman praised Melissa Sullivan for her organization's efforts to provide licensees with continuing education programs around the state. Ms. Sullivan thanked Ms. Grossman and stated that consistency is the key factor.

Mr. Rettig read aloud the names of the four individuals who applied for an exemption and/or waiver from the continuing education requirements.

Edward Nurre moved for the committee to approve providing a recommendation to the Board to approve the applications for exemptions and waivers of the continuing education requirements as presented. The motion was seconded by George Horne. Mr. Rettig asked for discussion on the motion. There was no discussion. All committee members voted "YES". Motion carried 4/0.

Mr. Rettig read aloud the names of the three individuals who applied for credit for obtaining out-of-state continuing education hours.

Ms. Bourk reminded the committee that two of the three persons were not physically in a state other than Ohio to attend and participate in a program of activity. She requested the committee to consider the validity of physically being present in Ohio and attending and participating in a webinar conducted in another state via "Zoom" and calling that "out-of-state". There was discussion among the committee members.

Ms. Bourk questioned why continuing education program providers would continue to apply for approval from this board for its webinar programs transmitted from outside of Ohio, if a licensee can simply request credit after attending.

Mr. Rettig asked Amanda Crates for her opinion on the matter. Ms. Crates responded by stating that if a person is attending a webinar, and that person can be accounted for as present and participating, no matter where they are physically, then she is in favor of allowing credit. Conversely, Ms. Crates shared that online programs should continue to seek approval prior to the program date as verification of the individual's attendance and participation is still contestable.

Ms. Bourk asked if the committee is in favor of allowing continuing education program providers to obtain approval for courses past the program's date. George Horne replied that he was not.

Ms. Crates questioned if the uptick in requests for post-approval is a result of licensees scrambling to meetings to obtain their required hours or is this really a trend. She stated that the end game should be to have all licensees comply with the continuing education requirement by attending appropriate, relevant programs of continuing education.

Ms. Bourk reminded all that some rules involving continuing education are anticipated to be amended by mid-October if the Joint Agency on Rule Review (JCARR) approves the proposals from the Board.

Jon Rettig moved for the committee to approve providing a recommendation to the Board to approve the first request for credit for obtaining "in-person" out-of-state continuing education hours from the list of three individuals. And deny approval of the remaining two requests. The motion was seconded by George Horne. Mr. Rettig asked for discussion on the motion. There was no discussion. All committee members voted "YES". Motion carried 4/0.

Mr. Rettig asked aloud if there was any further discussion before the committee. There was none.

George Horne moved for the committee to adjourn its meeting. The motion was seconded by Jon Rettig. All committee members voted "YES". Motion carried 4/0.

September 16, 2020 meeting of the Education and Examination Committee adjourned at 10:33 a.m.