



**Mike DeWine**  
Governor of Ohio

**Cheryl Grossman**  
Executive Director

**William C. Wappner**  
CFSP, CCO  
President

**Thomas Taneff**  
Board Vice President

**Ed C. Nurre**  
Board Secretary Treasurer

**Jon W. Rettig Sr.**  
Board Member

**Adriana Sfalcin**  
Board Member

**George Horne**  
Board Member

**Minutes of the May 20, 2020**  
**The State of Ohio Board of Embalmers and Funeral Directors'**  
**JCARR Rules Review Committee**

**Wednesday, May 20, 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 JCARR Rules Review Committee to discuss the Board's business. To maintain compliance with the current Stay at Home Order issued by Ohio Department of Health Director Dr. Amy Acton, MD, MPH, as a result of the Novel Coronavirus Disease (COVID-19) pandemic, the meeting was conducted by means of a teleconference call.

In March 2020, the Ohio General Assembly and Governor Mike DeWine, through Substitute House Bill 197, enacted a provision to the Open Meetings Act that permits members of public bodies to hold and attend meetings by means of electronic technology during the period of the COVID-19 emergency.

1. **Convening of the Committee – Chairperson Nurre**

**Calling of the Roll**

Chairperson Edward C. Nurre, Jr. 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:

Edward C. Nurre, Jr.; Jon W. Rettig, Sr.; Adriana Sfalcin; William C. Wappner

Upon conclusion of the roll call of committee members, Jarrod Williams, board office staff member, took roll call of persons in attendance of the meeting (via teleconference call). In attendance of the meeting was Diana Carpenter of Ohio Funeral Directors Association; Cathy Elkins of Funeral Consumers Alliance of Central Ohio; Cheryl L. Grossman, executive director of the board; Michael Smith, Craig Stires and Melissa Sullivan of Ohio Funeral Directors Association; and Jarrod Williams of the board office staff.

Mr. Nurre stated that the committee was called to meet to discuss proposed amendments to Chapter 4717 of the Ohio Administrative Code in response to the COVID-19 pandemic. Mr. Nurre went on to say that committee member William Wappner drafted proposal language to a few rules to assist licensees in maintaining compliance with the Board's regulations. He asked Mr. Wappner to share his proposed changes.

Mr. Wappner stated that the pandemic has created limitations on the gathering of persons in groups. National, state, and local guidelines vary on the number, but the restrictions have caused many businesses to change their business models. Of interest to the Board is the

changes made by companies that offer in-person certifications and continuing education type programs in favor of online programs.

Mr. Wappner stated that current rules concerning certification and continuing education need adapting, too. He reminded that some rules require licensees to obtain or renew a certification or continuing education hours in-person, and prior to a certain time.

Mr. Wappner first proposed changes to definitions (M) and (N) found in Section 4717-1-01, regarding a master embalmer and master funeral director. He recommended replacing the limitation of having successfully completed [Master's] training within the past five years with "which is still valid" in both definitions.

Mr. Wappner also proposed changes to the masters training requirements found in Section 4717-5-02. He stated the current language, in part, requires a master embalmer and master funeral director to complete training in a one-day six-hour class, not to be offered in segments on separate dates, and in a classroom setting, face to face. Mr. Wappner recommended striking out the one-day and segments on separate dates and adding "or in a virtual classroom or on demand setting" as options for how the training may be conducted. He also recommended adding "In the event the governor has declared a state of emergency, the board of embalmers and funeral directors may extend the validity of a funeral director and embalmer's master's training course up to one year from the end of the declared emergency." In addition, Mr. Wappner also recommended including two more topics to the training: EDRS and ARPPS. He stated that the rule would likely incur a renumbering as well.

There was discussion among the committee members about Mr. Wappner 's proposed amendments.

William Wappner moved for the Committee to adopt the proposed amendments to 4717-1-01 as recommended. Edward Nurre seconded the motion. Mr. Nurre asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Wappner 's motion. All committee members voted Yes. Motion carried 4/0.

William Wappner moved for the Committee to adopt the proposed amendments to 4717-5-02 as recommended. Edward Nurre seconded the motion. Mr. Nurre asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Wappner 's motion. All committee members voted Yes. Motion carried 4/0.

Mr. Wappner proposed changes to the continuing education requirements found in Section 4717-9-01. He stated the current language, in part, excludes any provision to obtaining continuing education hours during unexpected and extenuating circumstances. He recommended adding "In the event the governor has declared a state of emergency, and if the board of embalmers and funeral directors determines that it is a hardship to obtain in-person hours, it may exempt the in-person, face to face requirement for the compliance period during which the state of emergency was declared."

There was discussion among the committee members about Mr. Wappner 's proposed amendments.

William Wappner moved for the Committee to adopt the proposed amendments to 4717-9-01 as recommended. Edward Nurre seconded the motion. Mr. Nurre asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Wappner 's motion. All committee members voted Yes. Motion carried 4/0.

Mr. Wappner proposed changes to the renewal of a crematory operator permit found in Section 4717-15-02. He reminded that companies that provide certification and/or re-certification programs for crematory operation have limited capacity to conduct in-person programs to comply with new guidelines to help reduce the spread of the Coronavirus disease. As a result, Mr. Wappner believed that not all licensees would be able to renew their certifications timely, thus jeopardizing their compliance with board regulations. He recommended adding “In the event the governor has declared a state of emergency, the board of embalmers and funeral directors may extend the validity of a crematory operation certification program through the period of the declared emergency and up to one year from the end of the declared emergency.”

There was discussion among the committee members about Mr. Wappner ‘s proposed amendments.

William Wappner moved for the Committee to adopt the proposed amendments to 4717-15-02 as recommended. Jon Rettig seconded the motion. Mr. Nurre asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Wappner ‘s motion. All committee members voted Yes. Motion carried 4/0.

Mr. Wappner commented that extension of the 90 days in which an apprentice may serve after termination of their apprenticeship was considered. However, the need will no longer exist past June.

Mr. Nurre stated that committee member Jon Rettig worked on drafting proposal language to amend Chapter 4717-12, the rule addressing forfeitures. He asked Mr. Rettig to share his proposed changes.

Mr. Rettig stated that the current fine structure was established long ago by a past board. He added that neither he, nor any current board members, know why the fines increase as they do for second or subsequent offenses. Mr. Rettig shared that this board is prepared to adjust the forfeitures scale to a more natural growth.

Mr. Rettig proposed changes to all seven of the second or subsequent offense fines found in Section 4717-12-01. He stated that the current language for each, in part, imposes a minimum fine of seven thousand five hundred dollars. He recommended amending each minimum fine as follows:

- (A)(1)(b) \$750
- (A)(2)(b) \$750
- (A)(3)(b) \$750
- (A)(4)(b) \$750
- (A)(5)(b) \$750
- (A)(6)(b) \$750
- (A)(7)(b) \$750

Mr. Rettig moved for the Committee to adopt the proposed amendments to 4717-12-01 as recommended. Edward Nurre seconded the motion. Mr. Nurre asked for discussion on the motion.

Mr. Nurre questioned aloud if the proposed amendment to (A)(4)(b) was correct because the minimum fine would be less than the minimum fine imposed for a first offense.

Mr. Rettig agreed with Mr. Nurre’s observation and apologized for his oversight of the difference. Mr. Rettig withdrew his motion for adoption. There was further discussion among the board members about the minimum fine amounts for second offenses.

William Wappner proposed amending each minimum fine for a second or subsequent offense found in Section 4717-12-01 as follows:

- (A)(1)(b) \$2,000
- (A)(2)(b) \$750
- (A)(3)(b) \$1,000
- (A)(4)(b) \$5,000
- (A)(5)(b) \$2,000
- (A)(6)(b) \$2,000
- (A)(7)(b) \$2,000

William Wappner moved for the Committee to adopt the proposed amendments to 4717-12-01 as recommended. Edward Nurre seconded the motion. Mr. Nurre asked for discussion on the motion. There was no discussion.

A roll call vote was taken on Mr. Wappner 's motion. All committee members voted Yes. Motion carried 4/0.

Mr. Nurre asked if there was any further business before the JCARR Rules/Review Committee. There was none.

Jon Rettig moved for the committee to adjourn the meeting. Adriana Sfalcin seconded the motion. All committee members voted Yes. Motion carried 4/0.

The May 20, 2020 JCARR/Rules Review Committee Meeting adjourned at 10:30 a.m.