

**Board of Embalmers and Funeral Directors Committee on JCARR Rules Review (Friday, December 9, 2016)**  
Generated by Jarrod Williams on Thursday, January 5, 2017

Meeting called to order at 11:00 a.m.

## 1. Convening of the Committee

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### **Action, Procedural: 1.01 Calling the Roll**

Committee members include Jill Pugh, Thomas Taneff and William Wappner.

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

### **Action, Minutes: 1.02 Consideration of the November 22, 2016 Committee Meeting Minutes**

The committee was provided a link ("View Minutes" Icon) to view the meeting minutes in the agenda item details for review.

A motion was made by Jill Pugh, seconded by William Wappner, to table approval of the November 22, 2016 Committee Meeting Minutes until the next committee meeting.

Jill Pugh: Yes  
William Wappner: Yes  
Motion carries.

Committee meeting notation: There was discussion among the committee to defer approval of the minutes. There was consensus among the attending committee members to provide Mr. Taneff an opportunity to offer opinion and vote on the meeting minutes.

### **Discussion: 1.03 Review of the Ohio Administrative Code 4717**

Review and discuss rule 4717-5-01 through 4717-13-01 of Chapter 4717 of the Ohio Administrative Code.

Committee meeting notation: There was discussion between the committee and board inspectors on defining a master funeral director/ embalmer's supervision of an apprentice. There was discussion on funeral directing and embalming reports as reviewed by the inspectors. There was consensus among the committee that inspectors use discretion to identify if apprentices are supervised adequately during training.

#### 4717-5-01 Apprenticeship requirements.

Mr. William Wappner stated that cremation is at least fifty percent of today's provided funeral services. He was surprised that the practical educational opportunity on cremation was not part of this rule. Mr. Wappner suggested that cremation be added to the funeral director apprenticeship requirement.

Ms. Jill Pugh questioned if the apprentice should witness a cremation.

Mr. Jon Rettig suggested to the committee that a funeral director apprentice should be required to obtain a crematory operator license simultaneously with their funeral director license.

Ms. Pugh disagreed with Mr. Rettig. She stated such a license may never be used; especially if the funeral home has no crematory facility.

Mr. Wappner stated that the knowledge of cremation laws and preparation of cremation documentation was of paramount importance. He added that a funeral director should know each step in the process.

Mr. Wappner recommended to add a section known "k" to the list of sections included under 4717-5-01 (B) Funeral director apprenticeship. He requested the language to read, "Cremation procedures, documentation, and laws and rules."

A motion was made by William Wappner, seconded by Jill Pugh, to add a section to 4717-5-01 as follows: 4717-5-01 (B)(k) Cremation procedures, documentation, and laws and rules.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

#### 4717-5-02 Master embalmer and master funeral director requirements.

Ms. Jill Pugh questioned why the master training certificate is valid only five years. She opined that it be valid ten years.

Mr. William Wappner responded that a rewrite from the training provider is happening.

There was discussion among the committee on how changing the five year validation might reflect the training experience.

No changes.

#### 4717-5-03 Apprenticeship.

Ms. Jill Pugh suggested to amend 4717-5-03 (C) A master embalmer or funeral director

may certify an apprentice only if he or she is employed or self-employed at the licensed funeral home where the apprentice certified the apprenticeship full time as defined in board rules, and which funeral home and/or embalming facility has filed not less than thirty deaths in the previous year, except if granted prior written permission by the board. She recommended to replace "board rules" with "4717-1-04(H)."

Ms. Pugh suggested to amend 4717-5-03 (B) A master embalmer or master funeral director shall arrange for the apprentice to receive training from any other master embalmers or funeral directors in the state of Ohio in those areas where the primary master embalmer or funeral director does not have sufficient business to satisfy the requirements of the "Embalmer and/or Funeral Director Task List." However, no apprentice may serve more than one-third of his/her time working under a master embalmer or master funeral director who is not the master certifying the apprenticeship. She recommended to remove the designation of "master" from the last sentence. There was discussion between the committee and board inspectors on removing the designation.

There was discussion between the committee and board inspectors on why an apprentice must successfully complete seventy-five percent of their apprenticeship before meeting with a family independently as stated in 4717-5-03 (H) A funeral director apprentice who has, in the sound professional judgment of the master funeral director, attained sufficient skill and experience during the apprenticeship, including but not limited to, assisting under the direct supervision of a licensed funeral director with twenty-five funerals and who has successfully completed nine months of an apprenticeship or, in the case of an apprentice who did not complete mortuary science college, completed eighteen months of an apprenticeship, may meet independently with families that have been advised prior to the meeting of the apprentice's status, to prepare at-need and pre-need funeral arrangements using a worksheet to determine and define the family's desires. The worksheet shall be given to the master or other licensed funeral director associated with the same funeral home as the master who will use it to prepare a funeral purchase contract conforming to the federal trade commission part 453 - funeral industry practices revised rule. The apprentice is not permitted to sign a funeral purchase record or contract. The apprentice is not permitted to sign an insurance contract unless the apprentice is a licensed insurance agent. There was follow up discussion on concerns of inexperienced apprentices prematurely meeting with families.

Ms. Pugh questioned how the twenty percent figure was determined in 4717-5-03 (I) In no case shall an apprentice spend more than twenty per cent of any apprenticeship assisting in pre-need solicitation or arrangements.

A motion was made by Jill Pugh, seconded by William Wappner, to amend section 4717-5-03 (B) as follows: 4717-05-03 (B) A master embalmer or master funeral director shall arrange for the apprentice to receive training from any other master embalmers or funeral directors in the state of Ohio in those areas where the primary master embalmer or funeral director does not have sufficient business to satisfy the requirements of the "Embalmer and/or Funeral Director Task List." However, no

apprentice may serve more than one-third of his/her time working under a master embalmer or master funeral director who is not the master certifying the apprenticeship.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

A motion was made by Jill Pugh, seconded by William Wappner, to amend section 4717-5-03 (C) as follows: 4717-5-03 (C) A master embalmer or funeral director may certify an apprentice only if he or she is employed or self-employed at the licensed funeral home where the apprentice certified the apprenticeship full time as defined in board rules 4717-1-04(H), and which funeral home and/or embalming facility has filed not less than thirty deaths in the previous year, except if granted prior written permission by the board.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

#### 4717-6-01 Embalmer's examination and subjects.

Ms. Jill Pugh questioned Ms. Linda Clark on 4717-6-01 (D) Qualifications for re-examination. Any applicant who has failed an embalmers' examination shall be qualified to retake the examination after any waiting period determined by the examining agency and payment of the applicable fee(s). She asked who sets the time limit between examinations. Ms. Clark replied that The Conference, the third-party exam administrator, established a thirty day waiting period for retakes.

There was discussion among the committee on applicants registering for a funeral director apprenticeship without passing national examinations, but has earned a diploma from Cincinnati College of Mortuary Science (CCMS).

No changes.

#### 4717-6-02 Funeral director's examination and subjects.

There was no discussion among the committee. No changes.

*Committee meeting notation:* There was consensus among the committee to defer review of rules 4717-7-01 through 4717-8-01 to the next meeting scheduled for January 2017.

#### 4717-9-01 Continuing education requirements.

Ms. Jill Pugh suggested to amend section 4717-9-01 (F)(1)(c) It permits attendance by

all funeral directors and embalmers in the state of Ohio. She recommended removing section (c).

There was discussion among the committee on the balance of licensed and non-licensed attendees of continuing education programs.

Mr. Jon Rettig suggested to the committee to increase the required number of continuing education hours; increase the number of hours available for online programs; and allow program providers to establish open and private programs. There was discussion among the committee on revising hours related to the continuing education requirement.

A motion was made by Jill Pugh, seconded by William Wappner, for the Board of Embalmers and Funeral Directors Committee on JCARR Rules Review to send the following recommendations to the Board of Embalmers and Funeral Directors Continuing Education Committee for further deliberation:

4717-9-01 (F) Approved program of activity (1) A program of activity shall be qualified for approval as an approved program of activity if the board determines that: ~~(c) It permits attendance by all funeral directors and embalmers in the state of Ohio.~~

4717-9-01 (F) Approved program of activity (2) A sponsor, organization or person which desires to obtain approval of a course, program or other continuing education activity shall obtain approval prior to the activity. A sponsor, organization or person shall submit to the board an application established by the board. Such application shall be submitted prior to the last Friday preceding the board's monthly meeting. A separate application shall be submitted for each course, program, convention or other continuing education activity desiring approval. The board shall approve or deny such application in writing at the next regular meeting of the board. Any program approved by the board will be valid through the current compliance period, providing that there is no change to content. The applicant shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, other pertinent information and a sample of the certificate of completion. (H) The board shall may approve ~~nine~~ all hours or ~~one-half~~ of the required continuing education hours fulfilled through courses, programs and other continuing education activities provided by correspondence which includes online courses.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

There was discussion among the committee on continuing education programs approvals and accreditation possibilities. Ms. Pugh suggested the board could approve programs in the future that have been recognized and vetted by an organization other than the board.

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

Mr. Danny Finfrock shared that many applications for a waiver of the continuing education requirement are submitted during the last months of any two-year compliance period. He reminded all that a waiver is available for a licensee with a physical disability, illness, or undue hardship. Mr. Finfrock stated that in the past, licensees who attempted to renew their license(s) just weeks, or days, before the expiration date, discovered they did not have, nor could submit a waiver to the board in time for approval. The last scheduled board meeting within any two-year compliance period is in December.

There was discussion among the committee on acceptance of applications for a waiver during license renewal period. There was consensus among the committee that licensees should not delay until the end of a compliance period to submit an application for a waiver.

Ms. Jill Pugh recommended to add a sentence to the end of the first paragraph under section 4717-9-02 (E) Physical disability, illness or undue hardship (waivers). The board may, in individual cases involving physical disability or illness as certified by a physician, or good cause shown, grant waivers of the minimum education requirements. No waiver shall be granted unless written application therefore shall be made on forms established by the board and signed by the licensee; and in the case of physical disability or illness signed by a physician licensed by the medical board. Waivers of the minimum educational requirements may be granted by the board for any period not to exceed one compliance period. In the event that the physical disability or illness or good cause shown for which the waiver has been granted continues beyond the period of waiver, the licensee must reapply for a new waiver for the applicable compliance period. She requested the language to read, "The application for a waiver shall be submitted upon the form established by the board no later than four months prior to the end of any compliance period."

Ms. Pugh also recommended to add a section known as "1" under section 4717-9-02 (E) Physical disability, illness or undue hardship (waivers). She requested the language to read, "Notwithstanding anything to the contrary contained in this rule, the board shall not grant a waiver of the minimum continuing education requirements to any licensee designated as actually in charge of or ultimately responsible for a funeral home or an embalmer actually in charge of an embalming facility in the state of Ohio."

Ms. Pugh also recommended to add another section known as "2" under section 4717-9-02 (E) Physical disability, illness or undue hardship (waivers). She requested the language to read, "The board may, in individual cases involving an emergency situation, grant exception to the submission deadline of four months prior to the end of a compliance period."

A motion was made by Jill Pugh, seconded by William Wappner, to include additional written language to section 4717-9-02 (E) as follows: 4717-9-02 (E) Physical disability, illness or undue hardship (waivers). The board may, in individual cases involving

physical disability or illness as certified by a physician, or good cause shown, grant waivers of the minimum education requirements. No waiver shall be granted unless written application therefore shall be made on forms established by the board and signed by the licensee; and in the case of physical disability or illness signed by a physician licensed by the medical board. Waivers of the minimum educational requirements may be granted by the board for any period not to exceed one compliance period. In the event that the physical disability or illness or good cause shown for which the waiver has been granted continues beyond the period of waiver, the licensee must reapply for a new waiver for the applicable compliance period. The application for a waiver shall be submitted upon the form established by the board no later than four months prior to the end of any compliance period.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

A motion was made by Jill Pugh, seconded by William Wappner, to add a section to 4717-9-02 as follows: 4717-9-02 (E)(1) Notwithstanding anything to the contrary contained in this rule, the board shall not grant a waiver of the minimum continuing education requirements to any licensee designated as actually in charge of or ultimately responsible for a funeral home or an embalmer actually in charge of an embalming facility in the state of Ohio.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

A motion was made by Jill Pugh, seconded by William Wappner, to add a section to 4717-9-02 as follows: 4717-9-02 (E)(2) The board may, in individual cases involving an emergency situation, grant exception to the submission deadline of four months prior to the end of a compliance period.

Jill Pugh: Yes

William Wappner: Yes

Motion Carries.

#### 4717-10-01 Preneed funeral contract annual report.

Mr. William Wappner stated that OFDA (Ohio Funeral Director's Association) is lobbying to add a section to the this rule to define acceptable delivery of the report to the board. OFDA wishes to add written language to indicate any report mailed to the board be considered timely when the mailing postmark is on or before March 30.

No changes.

#### 4717-11-01 Summary suspension.

There was no discussion among the committee. No changes.

#### 4717-12-01 Forfeitures.

Mr. William Wappner suggested to amend section 4717-12-01 (A)(5) For refusing to promptly submit the custody of a dead human body upon the express oral or written order of the person legally entitled to the body, the board may impose a fine as follows: He recommended to add, "or cremated remains."

A motion was made by William Wappner, seconded by Jill Pugh, to include additional written language to section 4717-12-01 (A) (5) as follows: 4717-12-01 (A)(5) For refusing to promptly submit the custody of a dead human body or cremated remains upon the express oral or written order of the person legally entitled to the body, the board may impose a fine as follows:

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

#### 4717-13-01 Inspections.

Mr. Eric Anderson suggested that section 4717-13-01 (A) should be located in 4717-10-01.

No changes.

*Committee meeting notation:* There was discussion among the committee on the next committee meeting date. There was consensus among the committee to meet January 25, 2017. Mr. Wappner stated that he would inform Mr. Thomas Taneff of the date and inform Ms. Pugh if Mr. Taneff could not meet.

## 2. Adjournment

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### **Action: 2.01 Adjourn the Committee Meeting**

A motion was made by Jill Pugh, seconded by William Wappner, to adjourn the meeting.

Jill Pugh: Yes

William Wappner: Yes

Motion carries.

*Committee meeting notation:* The December 9, 2016 Board of Embalmers and Funeral Directors Committee on JCARR Rules Review adjourned at 1:30 p.m.