

Regulatory Analysis Form

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DEPARTMENT OF TREASURY
REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Funeral Directors

(2) I.D. Number (Governor's Office Use)

16A-489

IRRC Number: 2356

(3) Short Title

Continuing Education

(4) PA Code Cite

49 Pa. Code, §§ 13.1, 13.12, 13.231, 13.401-13.406

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Thomas A. Blackburn, Counsel, State Board of Funeral Directors (717) 783-7200**
Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State (717) 783-7200**

(6) Type of Rulemaking (check one)

Proposed Rulemaking
 Final Order Adopting Regulation
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?

No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation package implements continuing education requirements for licensed funeral directors, as mandated by the act of June 22, 2000 (P.L. 376, No. 48) (Act 48). Every licensed funeral director will be required to successfully complete at least 6 hours of continuing education during each biennial renewal period. The Board will renew the license of only those funeral directors who certified completion of the required amount continuing education, and licensees will be subject to audit. The regulation provides a process for prior approval of providers of courses of continuing education and identifies specific responsibilities of providers. The regulation also sets fees for application for approval of continuing education providers and courses, as well as for renewal of approval registration.

Regulatory Analysis Form

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulatory amendments are adopted under sections 10(b) and 16(a) of the Funeral Director Law (63 P.S. §§ 479.10(b), 479.16(a)).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. Act 48 amended section 10(b) of the Act and required the Board to adopt regulations to establish requirements for continuing education. Act 48 required the Board to initiate the promulgation of regulations within one year of the effective date of the act (August 21, 2000).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The General Assembly recognized the compelling public interest of ensuring that licensed funeral directors obtain a minimum number of hours of continuing education in enacting the continuing education requirement of Act 48.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The General Assembly recognized the public health, safety, environmental or general welfare risks associated with nonregulation in enacting the continuing education requirement of Act 48.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Licensees, the public, and the Board will benefit from the increased knowledge and skills of practitioners. Additionally, the providers of continuing education will benefit from the expanded market for their services.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Each licensed funeral director will be required to successfully complete 6 hours of continuing education each biennium. There are approximately 3870 licensed funeral directors in this Commonwealth whose licenses are active. The Board has identified no other group of individuals or entities that will be adversely affected by the regulation.

Regulatory Analysis Form

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All persons holding licenses to practice the profession of funeral director will be required to comply with the regulation. Currently, there are approximately 3870 licensed funeral directors whose licenses are active.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

In March, 2001, the Board solicited exposure draft comments from the Pennsylvania Funeral Directors Association and all individuals who had attended any Board meeting during the preceding year. The Board only received pre-draft comments from a single licensed funeral director. The licensee commented that requiring continuing education would create an onerous burden on licensees. Because the Board is required by statute to adopt regulations to implement the General Assembly's requirement of continuing education, the Board did not revise its proposed regulation in response to this comment. Since that time, the Board has reviewed and refined its proposed regulation.

The regulation was published as proposed in the Pennsylvania Bulletin on September 13, 2003. PFDA commented that it fully supports the regulations for CE for funeral directors. As a result of comments by the Independent Regulatory Review Commission, the Board revised its rulemaking. Specifically, the rulemaking now includes a definition of "hour of continuing education" and clearly indicates that the Board will audit licensees for compliance, rather than receiving submittal of all continuing education records. The rulemaking also no longer permits the Board to rely upon provider approval by another jurisdiction. IRRC also made various technical comments that the Board has incorporated.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

In order to comply with this regulation, the Board estimates that each licensed funeral director will be required to spend up to \$100 (depending upon the provider) for tuition for continuing education during each biennial period, in addition to travel and other time lost from practice while attending continuing education. It is impossible to estimate the savings to the regulated community resulting from compliance with this regulation and improved practice by licensees.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are no costs or savings to local governments associated with compliance with the proposed regulation.

Regulatory Analysis Form

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will monitor compliance by licensees with the required continuing education and will review and approve courses of continuing education. It is believed that the Board will not incur any additional costs in reviewing the biennial renewal applications of those licensees who have successfully completed the required amount of continuing education. It is impossible to estimate the number of licensees who might not comply with the required amount of continuing education, and therefore the Board cannot estimate any increased enforcement costs at this time. The Board anticipates that the fees to be charged to continuing education providers will cover the Board's costs of approving these providers. There are no other costs or savings to state government associated with implementation of the proposed regulation.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 04-05	FY+1 05-06	FY+2 06-07	FY+3 07-08	FY+4 08-09	FY+5 09-10
SAVINGS:						
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$197,500	\$296,250	\$197,500	\$197,500	\$197,500	\$197,500
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$197,500	\$296,250	\$197,500	\$197,500	\$197,500	\$197,500
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

Regulatory Analysis Form

(20a) Explain how the cost estimates listed above were derived.

Each member of the regulated community will be required to successfully complete 6 hours of continuing education in each biennial renewal period. This estimate assumes that each active licensee will pay the conservative maximum tuition cost of \$100. This estimate also assumes that the distribution of licensees enrolled in the required continuing education will be evenly spread throughout each renewal cycle. This estimate makes no allowance for the costs of travel and time away from practice. ($\$100 \times 3870 \times \frac{1}{2}$, a total of \$193,500 per year).

Because continuing education will not be required until the regulation is finally promulgated, which is anticipated to be the end of 2004, the Board anticipates that no licensees will complete continuing education prior to the end of 2004. Therefore, there will be no costs of compliance for fiscal years through June 30, 2004. Because licensees will be required to complete a full six hours of continuing education prior to February 1, 2006, the Board anticipates that approximately one-half of the licensees will complete the required continuing education in the first half of 2005 and the other half will complete the required continuing education in the second half of 2005. Therefore, the costs of compliance for fiscal year 2004-2005 will be \$193,500 ($\$100 \times [0 + (3870 \times \frac{1}{2})]$). Again assuming an even distribution of licensees completing continuing education over the subsequent four six-month periods within each biennial renewal cycle beginning in 2006, the costs of compliance for fiscal year 2005-2006 will be \$296,250 ($\$100 \times [(3870 \times \frac{1}{2}) + (3870 \times \frac{1}{4})]$).

In addition, the Board will charge a fee for approving providers and course of continuing education. The Board anticipates that, in the first biennial renewal cycle, it will receive approximately 20 applications for approval of providers at \$100 for each application and approximately 50 applications for approval of courses at \$100 for each application. These providers will be required to renew the approval every biennium at \$50 per renewal. In total, providers of continuing education will be anticipated to pay approximately \$8,000 to the Board in each renewal cycle ($\$100 \times 20 + \$100 \times 50 + \$50 \times 20$).

Additionally, these estimates address the total cost of continuing education. Although the Board has attempted to structure the requirements for continuing education to minimize the costs to the regulated community as well to as the Board, the Board has not attempted to apportion the amount of these costs that are attributable to the Board's method of implementation of continuing education. That notwithstanding, the Board believes that the fees charged to providers of continuing education for approval and renewal of registration are the only costs identified that are attributable to the board's method of implementation.

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3 (FY 01-02)	FY-2 (FY 02-03)	FY-1 (FY 03-04)	Current FY (FY 04-05)
Pa. State Board of Funeral Dir.	\$506,000	\$550,000	\$609,000	\$627,000

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(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The minimal marginal costs associated with compliance with the regulations, compared with their public safety and consumer protection benefits, indicate that adoption of the regulations would be prudent.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Because the proposed regulation implements Act 48, the Board considered no non-regulatory alternatives.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered, because no other regulatory schemes would effectuate the recent amendments to the Funeral Director Law.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The proposed regulatory amendments do not overlap or conflict with any federal requirements.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

In a survey of surrounding states, entities which regulate the funeral profession have reported the following continuing education requirements:

The Delaware Board of Funeral Service (10 hours every 2 years), the Maryland State Board of Morticians (12 hours every 2 years), the New Jersey State Board of Mortuary Science (10 hours every 2 years), the Bureau of Funeral Directors of the New York Department of Health (12 hours every 2 years), the Ohio Board of Embalmers and Funeral Directors (12 hours every 2 years), and the West Virginia Board of Embalmers and Funeral Directors (7 hours every 2 years).

Based on the foregoing, the proposed regulation will not put Pennsylvania (6 hours every 2 years) at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

Regulatory Analysis Form

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews its regulatory proposals at regularly scheduled public meetings, generally the first Wednesday of each month. More information can be found on the Board's web-site (www.dos.state.pa.us/funeral), or by calling the Board office at (717) 783-3397.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Each licensed funeral director will be required to certify on each license renewal application that the licensee has successfully completed the required amount of continuing education during the preceding biennial period. The Board provides the form renewal application and will include this certification in the form.

Additionally, the provider of a course of continuing education will be required to issue a certified continuing education report for each participant.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication in final form in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process pursuant to Executive Order 1996-1.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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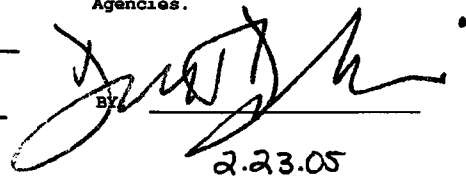
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BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Funeral Directors
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-489

BY: 
2.23.05

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL
EXECUTIVE
(Deputy General Counsel
(Chief Counsel,
Independent Agency
(Strike inapplicable title)

BY: 
Joseph A. Fluehr, III, ED

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable.
No Attorney General approval
or objection within 30 day
after submission.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF FUNERAL DIRECTORS

49 Pa. Code Chapter 13
Continuing Education

The State Board of Funeral Directors (Board) amends 49 Pa. Code at §§ 13.1, 13.12 and 13.231 (relating to definitions; fees; and biennial registration; unregistered status and inactive status; failure to renew) and adds §§ 13.401-13.406 (relating to continuing education) to read as set forth in Annex A.

Description and Need for Proposed Rulemaking

As required by the act of June 22, 2000 (P.L. 376, No. 48), this final-form rulemaking adopts regulations implementing continuing education for licensed funeral directors.

Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 33 Pa.B. 4569 (September 13, 2003) with a 30-day public comment period. The Board received comments from the Pennsylvania Funeral Directors Association (PFDA). The Board also received comments from the Independent Regulatory Review Commission (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1-745.12). The Board did not receive comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of their review of proposed rulemaking under the Regulatory Review Act.

PFDA commented that it fully supports the regulations for continuing education for funeral directors, as published in the *Pennsylvania Bulletin*.

In regard to § 13.231, IRRC questioned whether the term “verify” rather than “certify” would be more accurate in describing the action of the licensee regarding compliance with the required continuing education. In developing the regulation, the Board reviewed the renewal regulations and forms for other licensing boards in the Bureau of Professional and Occupational Affairs. These boards require the licensee to “certify” that the facts of the application are true under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, as contrasted with verified statements under oath (see 18 Pa.C.S. § 4903). IRRC also requested that the Board specify under what circumstances the Board would require an applicant for renewal to provide documentation of completion of continuing education. In considering IRRC’s request, the Board determined that the provision is unnecessary and has deleted it.

Because § 13.401(a) requires each funeral director to complete 6 hours of continuing education in each biennial period, IRRC requested clarification of what constitutes a credit hour. The Board has amended § 13.1 (relating to definitions) to include a definition of “hour of continuing education” as “60 minutes of actual instruction in an approved course of continuing education.” Proposed § 13.401(b) would have required a funeral director seeking to renew an active license or to reactivate an inactive license to successfully complete all previously required continuing education. IRRC also questioned whether the Board had statutory authority to require compliance with the continuing education requirement for prior biennial periods under Section 10(b)(5) of the Funeral Director Law (63 P.S. § 479.10(b)(5)) which requires a licensee seeking to reinstate an inactive or

lapsed license to “show proof of compliance with the continuing education requirement for the preceding biennium.” The Board concurs with IRRC’s comment and, accordingly, has amended this proposed requirement to apply only to the preceding biennium. Similarly, the Board has revised § 13.231(d) to limit to the immediately preceding biennium only documentation of continuing education required for reactivation of a lapsed license.

Each licensee will certify on the renewal application that the licensee has completed the required continuing education, subject to audit by the Board. The Board has added § 13.402(c) to acknowledge the auditing process. Under § 13.402(a), completion of a course of continuing education will generally be proved by a continuing education record from the course provider. IRRC suggested that the Board indicate how long a licensee should retain the continuing education record. Because an audit might not begin early in a renewal period and might take longer than a single renewal period, the Board recommends that a licensee retain a continuing education record for two full renewal periods subsequent to the period in which the licensee attended the course. Because the Board does not wish to subject to disciplinary action for failing to keep such a record a licensee who has completed the required continuing education and is able to demonstrate compliance, the Board has not revised the regulation to set forth such a binding standard. IRRC also inquired as to what documentation would satisfy the requirement of § 13.402(b) to “otherwise demonstrate completion of course of continuing education” in the absence of a continuing education record. This provision was intended to acknowledge that a continuing education record from the provider at the time of the course is not the sole means to do so. Without limiting a licensee’s ability to do so and without limiting the Board’s authority to determine credibility, the Board anticipates that completion could be demonstrated by a continuing education record subsequently prepared by the provider, documentation from the course itself or corroborated testimony of attendance at the course.

Proposed § 13.403(a) required that continuing education credit will be granted only for courses that have been approved in advance. IRRC inquired how licensees would know whether the Board has approved a course for continuing education credit. The Board intends to identify approved providers in its newsletter. Additionally, the Department of State web-site at License PA provides license verification, and approved providers of continuing education will be included, along with funeral directors and funeral establishments. Additionally, IRRC questioned whether the proposed § 13.403(b) prohibition of approval of courses “for which continuing education is precluded by Section 10” of the Funeral Director Law, because Section 10 precludes credit only for office management. In response, the Board has revised § 13.403(b) to permit credit for any course whose subject matter is identified in Section 5 of the Funeral Director Law as appropriate for examination and any course in applicable law or the provision of professional services, but to prohibit credit for any course in office management or marketing.

IRRC also inquired as to how licensees will be notified that approval of a provider or course has been withdrawn. The Board provides notice of Board actions affecting its licensees through its newsletter and notice on the Department’s website. Notice that provider status has been withdrawn will be given to licensees in the same manner.

Finally, IRRC suggested, relative to the continuing education record requirement of §

13.405(b), that the Board consider requiring providers of continuing education to provide the continuing education record directly to the Board. While the Board agrees with IRRC that this would streamline the process for licensees, the Board, as do all boards within the Bureau of Professional and Occupational Affairs that require continuing education, will audit a portion of licensees. Accordingly, there is no value to Board receipt of these records at this time.

As a result of considering IRRC's comments, the Board considered its proposed means of approving providers. The Board has concluded that it cannot, consistent with the requirement of Section 10(b)(6) of the Funeral Director Law (63 P.S. § 479.10(b)(6)) that all courses, locations, instructors and providers "shall be approved by the Board," rely upon continuing education provider approval by another agency or jurisdiction. Therefore, the Board has revised § 13.404(b) to delete the status of "deemed approval" of providers. The Board will review applications for provider and course approvals. Approved provider status is subject to renewal, and course approval will be only for those courses identified on the application for approval. Accordingly, the Board has revised §13.12 to delete those fees based upon approval from another jurisdiction, to delete any reference to courses or providers not approved in another jurisdiction and to delete the fee for renewal of course approval.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Effective date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will initially apply to licensees who renew their licenses for the 2006-2008 biennial renewal period.

Statutory Authority

The final rulemaking is authorized under Sections 10(b) and 16(a) of the Funeral Director Law (63 P.S. §§ 479.10(b) and 479.16(a)).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 13, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4569, to IRRC and the Chairpersons of the House Professional License Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other

documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on _____, 200__, the final-form rulemaking was approved by the HPLC. On _____, 200__, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 200__, and approved the final-form rulemaking.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Michelle T. Smey, Administrator, State Board of Funeral Directors, by mail to P. O. Box 2649, Harrisburg, PA 17105-2649, by telephone at (717) 783-3397, or by e-mail at st-funeral@state.pa.us.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 33 Pa.B. 4569.
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Funeral Director Law.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 13 are amended, by amending §§ 13.1, 13.12 and 13.231 and by adding §§ 13.401-13.406, to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative

Reference Bureau as required by law.

- (d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Joseph A. Fluehr, III, FD, Chairperson
State Board of Funeral Directors

ANNEX A

PENNSYLVANIA CODE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

* * *

GENERAL PROVISIONS

§ 13.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * *

HOUR OF CONTINUING EDUCATION – 60 MINUTES OF ACTUAL INSTRUCTION IN AN APPROVED COURSE OF CONTINUING EDUCATION.

* * *

LICENSURE

* * *

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

* * *

~~Application for continuing education course with approval in other jurisdiction\$50~~

Application for continuing education course without approval in other jurisdiction\$100

~~Application for continuing education provider with approval in other jurisdiction\$50~~

Application for continuing education provider without approval in other jurisdiction\$100

~~Renewal of registration of continuing education provider or course registration.....\$50~~

* * *

LICENSE RENEWAL

§ 13.231. Biennial registration; unregistered status and inactive status; failure to renew.

(a) A licensee shall register each biennial period to retain the right to practice. Initial registration shall automatically occur when a license is issued. Registration for a biennial period expires on the first day of February of every even numbered year. The Board will grant an application for renewal of a funeral director license only when the licensee has certified that the licensee has completed the amount of continuing education required by § 13.401 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required by § 13.402 (relating to reporting completion of continuing education).

* * *

(d) A licensee whose licensure status has lapsed by failing to register biennially with the Board may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board. An application for reactivation of an inactive or lapsed funeral director license shall also include the documentation required by § 13.402 (RELATING TO REPORTING COMPLETION OF CONTINUING EDUCATION) FOR THE IMMEDIATELY PRECEDING BIENNIUM.

* * *

CONTINUING EDUCATION

§ 13.401. Credit hour requirements.

- (a) During each biennial renewal period, a licensed funeral director shall complete 6 hours of continuing education. This provision does not require a funeral director to complete continuing education during the renewal period in which the funeral director is first issued a license.
- (b) A funeral director who has not completed the required continuing education during ~~one or more renewal periods~~ A RENEWAL PERIOD may complete the required continuing education DURING A subsequent to the applicable biennial renewal period. However, unless excused by the Board for good cause under section 10(b)(4) of the act (63 P.S. § 479.10(b)(4)), the Board will not renew or reactivate any funeral director license until all THE REQUIRED continuing education required prior to the current biennial renewal period FOR THE PRECEDING BIENNIUM has been successfully completed.
- (c) The requirement of subsection (a) will take effect, beginning with the biennial renewal period of February 1, 2004 - January 31, 2006.

§ 13.402. Reporting completion of continuing education.

- (a) In general, proof of completion of a course of continuing education shall consist of a certified continuing education record, as defined in § 13.405(b) (relating to provider responsibilities).
- (b) A licensed funeral director for whom the Board has not been provided certified continuing education records sufficient to comply with § 13.401 (relating to credit hour requirements) shall otherwise demonstrate completion of courses of continuing education.
- (C) THE BOARD WILL AUDIT LICENSEES TO VERIFY COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS.

§ 13.403. Credit for approved continuing education.

- (a) Credit for continuing education will be granted only for courses that have been approved in advance by the Board.
- (b) Approval will not extend to any course for which continuing education credit is precluded by section 10 of the act (63 P.S. § 479.10) (regarding expiration of licenses; renewal; continuing education). UNLESS LIMITED BY THIS SECTION, CONTINUING EDUCATION CREDIT MAY BE EARNED IN A COURSE WHOSE SUBJECT MATTER IS IDENTIFIED IN SECTION 5 OF THE ACT (63 P.S. § 479.5) AS APPROPRIATE FOR EXAMINATION. CONTINUING EDUCATION CREDIT MAY BE EARNED IN A COURSE IN APPLICABLE LAW OR THE PROVISION OF PROFESSIONAL SERVICES. CONTINUING EDUCATION CREDIT MAY NOT BE EARNED IN ANY COURSE IN OFFICE MANAGEMENT OR MARKETING.
- (c) The Board will be deemed to have approved any course of continuing education provided by a provider of continuing education that is approved by the Board.

§ 13.404. Approval of continuing education courses or providers.

- (a) Anyone, to include any college, university, school, association, professional society and organization, seeking approval to offer continuing education shall apply for approval on forms provided by the Board and shall fully provide all information required by those application forms for the Board to fulfill its duties under this section. The application shall include payment of the fee required under § 13.12 (relating to fees).
- (b) The Board will approve without further review any course or provider of continuing education that is approved by one or more of the following: APPROVAL AS A CONTINUING EDUCATION PROVIDER SHALL BE RENEWED BIENNIALY.
- (1) Conference of Funeral Service Examining Boards.

- ~~(2) Delaware Board of Funeral Services.~~
 - ~~(3) Maryland Board of Morticians.~~
 - ~~(4) State Board of Mortuary Science of New Jersey.~~
 - ~~(5) New York Department of Health, Bureau of Funeral Directors.~~
 - ~~(6) Ohio Board of Embalmers and Funeral Directors.~~
 - ~~(7) West Virginia Board of Embalmers and Funeral Directors.~~
 - ~~(8) American Board of Funeral Service Education.~~
- (c) ~~The Board will approve without further review any course or provider of continuing education that is approved by the appropriate licensing authority of one or more jurisdictions other than those listed in subsection (b). The Board will grant credit for a course of continuing education that has been approved under this subsection only for those licensees who are also licensed by the appropriate licensing authority in another jurisdiction that previously approved the course or provider.~~ AN APPROVED PROVIDER MUST APPLY FOR APPROVAL OF EACH COURSE OF CONTINUING EDUCATION. A SINGLE APPLICATION MAY INCLUDE MULTIPLE PRESENTATIONS OF THE COURSE AND VARIOUS LOCATIONS.
- (d) ~~The Board may deny approval of a provider or course of continuing education where the applicant has previously failed or is not currently able to comply with § 13.405 (relating to provider responsibilities) OR THE COURSE DOES NOT QUALIFY UNDER § 13.403 (RELATING TO CREDIT FOR APPROVED CONTINUING EDUCATION).~~ The Board may approve in part and deny in part an application for approval of a provider or course. THE BOARD MAY DENY AN APPLICATION FOR PROVIDER OR COURSE APPROVAL THAT DOES NOT COMPLY WITH THE ACT OR THIS CHAPTER.
- (e) ~~The Board may terminate its prior approval of a provider or program~~ COURSE of continuing

education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a provider or ~~program~~ COURSE when it is later determined that the Board has grounds to deny approval in accordance with this section.

§ 13.405. Provider responsibilities.

(a) For each course of continuing education, the provider shall:

- (1) Disclose in advance to prospective attendees the objectives, content, teaching method and number of hours of continuing education credit.
- (2) Open each course to all licensees.
- (3) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.
- (4) Provide accurate instructional materials.
- (5) Employ qualified instructors who are knowledgeable in the subject matter.
- (6) Evaluate the program through the use of questionnaires of the participants and instructors.
- (7) Issue a certified continuing education record to each participant.
- (8) Retain attendance records, written outlines, and a summary of evaluations for 5 years.

(b) Each continuing education record must include:

- (1) The name of the participant.
- (2) The DATE OR dates of the ~~program~~ COURSE.
- (3) The name of the ~~program~~ COURSE.
- (4) The provider's name.
- (5) The number of hours of continuing education credit.

§ 13.406. Demonstration of embalming techniques.

- (a) With prior approval of the Board, embalming of human remains to demonstrate techniques during a program of continuing education will not be considered to be the practice of funeral directing at an establishment not authorized by the Board.
- (b) Only a licensed funeral director may demonstrate embalming techniques at a program of continuing education in this Commonwealth.

Board. The summary may not exceed one page in length and must also be received by October 7, 2003. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by October 7, 2003.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 03-1628. Filed for public inspection August 22, 2003, 9:00 a.m.]

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]
Continuing Education

The State Board of Funeral Directors (Board) proposes to amend §§ 13.12 and 13.231 (relating to fees; and biennial registration; unregistered status and inactive status; failure to renew) and to add §§ 13.401—13.406 (relating to continuing education) to read as set forth in Annex A.

Effective date

The proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The proposed rulemaking is authorized under sections 10(b) and 16(a) of the Funeral Director Law (act) (63 P. S. §§ 479.10(b) and 479.16(a)).

Background and Need for the Proposed Rulemaking

The act of June 22, 2000 (P. L. 376, No. 48) required the Board to adopt regulations implementing continuing education for licensed funeral directors.

Description of the Proposed Rulemaking

The proposed rulemaking will require licensed funeral directors to successfully complete 6 hours of continuing education each biennial renewal period, beginning with the 2004-06 biennial renewal period. Upon application for renewal, each licensee will provide verification of successful completion of the required continuing education. The Board may require documentary proof of successful completion. The Board will not renew the license of a licensee who did not complete the required continuing education prior to the renewal date; upon completion of continuing education, the Board may then renew that license.

In addition, the proposed rulemaking provides for approval by the Board of providers of courses of continuing education, including limited approval for specific courses.

Without additional review, the Board will approve any provider currently approved by the Conference of Funeral Service Examining Boards or the American Board of Funeral Service Education or by the licensing authority of Delaware, Maryland, New Jersey, New York, Ohio or West Virginia. Approval of a provider is considered to include approval of each course offered by the provider. The Board may deny approval of any course whose provider has failed to or is unable to comply with the provider responsibilities of the proposed rulemaking and the Board may withdraw approval where the applicant has made material misstatements in the application.

The proposed rulemaking also provides for the payment of a fee for application for approval of a provider or course. Because the fees are set to enable the Board to recover the cost of providing the service of application review and approval, the fee for approval of a course or provider that is already approved by one or more of the identified bodies (\$50) is lower than the fee for full review (\$100). Additionally, provider or course approval registration is subject to biennial renewal and a fee (\$50) will be charged for renewal. In general, renewal fees are set at an amount sufficient to fund the entire operations of a licensing board and to spread that cost out over all licensees. However, providers of continuing education are not licensees, and the total cost of all Board operations cannot fairly be imposed on continuing education providers as well as funeral directors and other licensees. Because the Board has not previously required continuing education, there is no historical basis upon which the Board could estimate its total cost associated with continuing education. Therefore, the fee to renew registration of approval as a continuing education provider is set at the same amount as the lower fee for initial application for approval, which would also be consistent with the cost of processing the renewal.

Under the proposed rulemaking, each provider will be required to disclose to prospective attendees in advance the objective, content, teaching method and number of hours of continuing education credit, to open the course to licensees, to provide adequate physical facilities, to provide accurate instructional materials, to employ qualified instructors and to evaluate the program. Each provider will also be required to provide to each attendee a record of the continuing education, including the participant's name, the dates of the program, the name of the program, the provider's name and the number of continuing education credits.

The proposed rulemaking does not address the issue of a waiver of continuing education, because section 10(b)(4) of the act adequately addresses this issue.

Finally, the proposed rulemaking will permit demonstration of embalming techniques as part of a program of continuing education, so long as it is approved in advance by the Board and performed by a licensed funeral director.

Fiscal Impact and Paperwork Requirements

The Board will track compliance by licensees with the required continuing education. Also, the Board will review and approve providers of courses of continuing education. The proposed rulemaking will have no other adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no other additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 3, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Michelle Smey, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-489 (Continuing Education) when submitting comments.

JAMES O. PINKERTON, FD,
Chairperson

Fiscal Note: 16A-489. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

LICENSURE

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

Application for continuing education course with approval in other jurisdiction	\$50
Application for continuing education course without approval in other jurisdiction	\$100
Application for continuing education provider with approval in other jurisdiction	\$50
Application for continuing education provider without approval in other jurisdiction	\$100

Application for continuing education course with approval in other jurisdiction	\$50
Renewal of registration of continuing education provider or course registration	\$50

LICENSE RENEWAL

§ 13.231. Biennial registration; unregistered status and inactive status; failure to renew.

(a) A licensee shall register each biennial period to retain the right to practice. Initial registration shall automatically occur when a license is issued. Registration for a biennial period expires on the first day of February of every even numbered year. The Board will grant an application for renewal of a funeral director license only when the licensee has certified that the licensee has completed the amount of continuing education required by § 13.401 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required by § 13.402 (relating to reporting completion of continuing education).

* * * * *

(d) A licensee whose licensure status has lapsed by failing to register biennially with the Board may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board. An application for reactivation of an inactive or lapsed funeral director license shall also include the documentation required by § 13.402.

* * * * *

CONTINUING EDUCATION

§ 13.401. Credit hour requirements.

(a) During each biennial renewal period, a licensed funeral director shall complete 6 hours of continuing education. This provision does not require a funeral director to complete continuing education during the renewal period in which the funeral director is first issued a license.

(b) A funeral director who has not completed the required continuing education during one or more renewal periods may complete the required continuing education subsequent to the applicable biennial renewal period. However, unless excused by the Board for good cause under section 10(b)(4) of the act (63 P. S. § 479.10(b)(4)), the Board will not renew or reactivate any funeral director license until all continuing education required prior to the current biennial renewal period has been successfully completed.

(c) The requirement of subsection (a) will take effect, beginning with the biennial renewal period of February 1, 2004- January 31, 2006.

§ 13.402. Reporting completion of continuing education.

(a) In general, proof of completion of a course of continuing education shall consist of a certified continuing education record, as defined in § 13.405(b) (relating to provider responsibilities).

(b) A licensed funeral director for whom the Board has not been provided certified continuing education records sufficient to comply with § 13.401 (relating to credit hour requirements) shall otherwise demonstrate completion of courses of continuing education.

§ 13.403. Credit for approved continuing education.

(a) Credit for continuing education will be granted only for courses that have been approved in advance by the Board.

(b) Approval will not extend to any course for which continuing education credit is precluded by section 10 of the act (63 P.S. § 479.10) (regarding expiration of licenses; renewal; continuing education).

(c) The Board will be deemed to have approved any course of continuing education provided by a provider of continuing education that is approved by the Board.

§ 13.404. Approval of continuing education courses or providers.

(a) Anyone, to include any college, university, school, association, professional society and organization, seeking approval to offer continuing education shall apply for approval on forms provided by the Board and shall fully provide the information required by those application forms for the Board to fulfill its duties under this section. The application shall include payment of the fee required under § 13.12 (relating to fees).

(b) The Board will approve without further review any course or provider of continuing education that is approved by one or more of the following:

- (1) Conference of Funeral Service Examining Boards.
- (2) Delaware Board of Funeral Services.
- (3) Maryland Board of Morticians.
- (4) State Board of Mortuary Science of New Jersey.
- (5) New York Department of Health, Bureau of Funeral Directors.
- (6) Ohio Board of Embalmers and Funeral Directors.
- (7) West Virginia Board of Embalmers and Funeral Directors.
- (8) American Board of Funeral Service Education.

(c) The Board will approve without further review any course or provider of continuing education that is approved by the appropriate licensing authority of one or more jurisdictions other than those listed in subsection (b). The Board will grant credit for a course of continuing education that has been approved under this subsection only for those licensees who are also licensed by the appropriate licensing authority in another jurisdiction that previously approved the course or provider.

(d) The Board may deny approval of a provider or course of continuing education when the applicant has previously failed or is not currently able to comply with § 13.405 (relating to provider responsibilities). The Board may approve in part and deny in part an application for approval of a provider or course.

(e) The Board may terminate its prior approval of a provider or program of continuing education when the applicant made one or more false or misleading material statements on the application.

The Board may also terminate in part or in whole its prior approval of a provider or program when it is later determined that the Board has grounds to deny approval in accordance with this section.

§ 13.405. Provider responsibilities.

(a) For each course of continuing education, the provider shall:

- (1) Disclose in advance to prospective attendees the objectives, content, teaching method and number of hours of continuing education credit.
- (2) Open each course to all licensees.
- (3) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.
- (4) Provide accurate instructional materials.
- (5) Employ qualified instructors who are knowledgeable in the subject matter.
- (6) Evaluate the program through the use of questionnaires of the participants and instructors.
- (7) Issue a certified continuing education record to each participant.
- (8) Retain attendance records, written outlines and a summary of evaluations for 5 years.

(b) Each continuing education record must include:

- (1) The name of the participant.
- (2) The dates of the program.
- (3) The name of the program.
- (4) The provider's name.
- (5) The number of hours of continuing education credit.

§ 13.406. Demonstration of embalming techniques.

(a) With prior approval of the Board, embalming of human remains to demonstrate techniques during a program of continuing education will not be considered to be the practice of funeral directing at an establishment not authorized by the Board.

(b) Only a licensed funeral director may demonstrate embalming techniques at a program of continuing education in this Commonwealth.

[Pa.B. Doc. No. 03-1791. Filed for public inspection September 12, 2003, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

Education

The State Real Estate Commission (Commission) proposes to amend Chapter 35 to read as set forth in Annex A.

A. Effective Date

The proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Regulation 16A-489

State Board of Funeral Directors

PROPOSAL: Regulation 16A-489 amends 49 PA Code, Chapter 13, regulations of the State Board of Funeral Directors. The amendment adds regulations pertaining to continuing education, which became a requirement for licensees with the passage of Act 48 of 2000.

The proposed Rulemaking was originally published in the Pennsylvania Bulletin on September 13, 2003. The Professional Licensure Committee has until November 2, 2003 to submit comments on the regulation.

ANALYSIS: The proposed regulations would implement the 6 hour per biennium continuing education requirement established by Act 48 of 2000. The following fees would be added to the Board's schedule of fees:

<u>Application/Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Application for C.E. Course with Approval in Other Jurisdiction	None	\$ 50.00
Application for C.E. Course without Approval in Other Jurisdiction	None	\$100.00
Application for C.E. Provider with Approval in Other Jurisdiction	None	\$ 50.00
Application for C.E. Provider without Approval in Other Jurisdiction	None	\$100.00
Renewal of Registration of C.E. Provider or Course Registration	None	\$ 50.00

Sec. 13.231 would be amended to reflect that continuing education is now a condition for the biennial renewal of licenses. If requested by the Board, an application for renewal must include documentation of continuing education completion. Applications for reactivation of an inactive or lapses license must include documentation of completion.

Sec. 13.401 would be added to provide that licensees must complete 6 hours of continuing education during each biennial period, except for a renewal period in which a funeral director is first issued a license. A licensee who has not completed the required continuing education during one or more renewal periods may complete it in a subsequent period; however, unless excused by the Board for good cause, a license will not be renewed until the continuing education is current. The continuing education requirement is to take effect for the February 1, 2004 through January 31, 2006 renewal period.

Sec. 13.402 would require the reporting of the completion of continuing education to the Board.

If the Board is not provided with certified continuing education records by the continuing education provider pursuant to Sec. 14.405, the licensee is responsible for demonstrating completion of continuing education.

Pursuant to Sec. 13.403, credit will be granted only for courses approved in advance by the Board. Courses provided by a Board approved provider will be deemed approved. No credit will be granted for continuing education precluded by Sec. 10 of the Act.

Sec. 13.404(b) provides that the Board will approve without review continuing education courses or providers that have already been approved by certain agencies in other jurisdictions, a list of which is provided. Sec. 13.404 also provides the circumstances under which the Board may deny approval or terminate approval of a provider or program. Sec. 13.405 sets forth a list of provider responsibilities, which includes the requirement to issue a certified continuing education record to each participant.

Sec. 13.406 would allow the demonstration of embalming techniques, with prior approval of the Board, at an establishment not authorized by the Board. Only a licensed funeral director may demonstrate embalming techniques at a program of continuing education.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated.

House of Representatives
Professional Licensure Committee
November 12, 2003

Comments of the Independent Regulatory Review Commission

on

State Board of Funeral Directors Regulation No. 16A-489

Continuing Education

November 13, 2003

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Funeral Directors (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 14, 2003. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 13.231. Biennial registration; unregistered status and inactive status; failure to renew. – Clarity.

Subsection (a) states, in part: “The Board will grant an application for renewal of a funeral director license only when the licensee has **certified** that the licensee has completed the amount of continuing education required by §13.401 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required by §13.402 (relating to reporting completion of continuing education).” (Emphasis added.) We have two concerns.

First, based on our discussions with the Board, we understand that licensees will be required to **verify**, not **certify**, that they have met the continuing education requirements on their license renewal application. Therefore, we recommend that the word “certified” be changed to “verified.”

Second, the final-form regulation should specify under what circumstances the Board will require additional information to be submitted with the original application.

2. Section 13.401. Credit hour requirements. – Statutory authority; Clarity.

The title of this Section includes the phrase “credit hour.” How many minutes are in a credit hour? Does a credit hour include any break periods? Clarity would be improved by defining “credit hour” in the final-form regulation.

Subsection (b) states, in part, the following: “...the Board will not renew or reactivate any funeral director license until all continuing education required prior to the current biennial renewal period has been successfully completed.”

Section (10)(b)(5) of Act 48 of 2000 states the following: “A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.” We question the Board’s statutory authority to require

a licensee seeking to reinstate an inactive or lapsed license to complete more than the continuing education requirements of the preceding biennium. The Board should amend Subsection (b) to be consistent with the statute or explain its authority to require additional continuing education.

3. Section 13.402. Reporting completion of continuing education. – Clarity.

Subsection (a) states that proof of completion of a continuing education course shall be the continuing education record. Based on our discussions with the Board, it is our understanding that applicants for license renewal do not have to provide documentation to prove that they have met the continuing education requirements. Instead, applicants will verify that they have met the requirements on their biennial license renewal application. The Board has indicated that licensees will be subject to audit of their continuing education records. The final-form regulation should specify how long a licensee is required to keep continuing education records for potential audit purposes.

Subsection (b) states that a funeral director who does not have continuing education records that comply with Section 13.401 “shall otherwise demonstrate completion of courses of continuing education.” What documentation is sufficient to “otherwise demonstrate completion of courses of continuing education”?

4. Section 13.403. Credit for approved continuing education.

Subsection (a)

Under this subsection, credit for continuing education courses will be granted only for courses that have been approved in advance by the Board. How will licensees know which courses have been approved by the Board? Has the Board considered maintaining a list of approved courses and providers on its website?

Subsection (b)

This subsection refers to “any course for which continuing education is precluded by section 10 of the act.” However, the only course the act precludes continuing education credit for is “any course in office management.” The final-form regulation should specify that continuing education credit will not be granted for any course in office management.

5. Section 13.404. Approval of continuing education courses or providers. – Clarity.

Subsection (e) lists the circumstances under which the Board may terminate its prior approval of a provider or program. When the Board takes action under this subsection, how will licensees be notified?

6. Section 13.405. Provider responsibilities. – Reasonableness; Clarity.

Subsection (b) specifies the information that the provider must include in the continuing education record for each participant. The information contained in these records would be valuable in tracking licensee compliance with the continuing education requirements. Has the Board considered requiring continuing education providers to supply the Board with records for each course it provides?



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2003 OCT 10 AM 8:46

INDEPENDENT REGULATORY
REVIEW COMMISSION

October 7, 2003

Original: 2356

Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Re: Continuing Education Regulations for Funeral Directors

To Whom It May Concern:

The Pennsylvania Funeral Directors Association fully supports the regulations for continuing education for funeral directors as published in the Pennsylvania Bulletin.

Very truly yours,

John W. Eirkson
Executive Director, PFDA



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF FUNERAL DIRECTORS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3397

March 11, 2005

The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Funeral Directors
16A-489: Continuing Education

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Funeral Directors pertaining to continuing education (16A-489).

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Janice H. Mannel, FD, Chairperson
State Board of Funeral Directors

JHM/TAB:law

Enclosure

cc: Albert H. Masland, Chief Counsel
Department of State
Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Department of State
Thomas A. Blackburn, Counsel
State Board of Funeral Directors
State Board of Funeral Directors

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 16A-489
SUBJECT: State Board of Funeral Directors - Continuing Education
AGENCY: DEPARTMENT OF STATE

2356

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions b. Without Revisions

RECEIVED
2005 MAR 11 AM 11:05
REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/11/05	<i>Sandra Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3/11/05	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/11/05	<i>Steph J. Hoff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

February 23, 2005